



Personnel Management Plan

Culpeper County, Virginia

TABLE OF CONTENTS

Section I - Introduction	1-6
Purpose	1
Scope	1
Definitions	2
Section II – Recruitment & Selection	7
Section III – Unified Pay & Classification System	8-10
Development of Position Descriptions	9
Amending a Current Position Description	9
Reclassification ..	9
Salary Structure ..	10
Normal Starting Salary	10
Section IV - Employee Evaluation & Salary Increases	11-14
Position Description and Performance Requirements	12
Performance Evaluation Schedule	12
Salary Increases	13
Unsatisfactory Performance Evaluations	13
Section V – Compensation & Work Hours	15-17
Pay Schedule	15
Work Hours	15
Overtime	15
Holiday Pay	16
Inclement Weather Pay	17
On Call	17
Section VI – Service Award Policy	18
Section VII – Training	19
Section VIII – Standards of Conduct	20-26
Purpose	20
Employment At Will	20
Standards Of Conduct	20
Prohibited Conduct	21
Counseling	22
Disciplinary Action	23
Mitigating Circumstances	24
Other Circumstances which prevent employees from performing their jobs	24

Administrative Leave	24
Suspension.....	24
Suspension/Administrative Leave Pending Investigation	25
Separation from Employment	25
Performance Improvement Plan Form
Written Notice of Disciplinary Action

Section IX – Sexual Harassment	27-32
---	------------------------------

Prohibited Conduct.....	28
Roles & Responsibilities	29
Compliant Procedure.....	30
Complaint Form

Section X – Grievance	33-39
--	------------------------------

Definition of Grievance	33
Determination of Grievability	34
Coverage of Personnel.....	34
Grievance Procedure.....	35
Grievance Complaint Form.....
Grievance Panel Form.....
Decision of Grievance Panel Form.....
Exempt Personnel

Section XI – Personnel Records	40-44
---	------------------------------

Collection of Personnel Information.....	40
Inspection of Personnel Records.....	40
Inspection of Personnel Records by Employees	40
Requests of Personnel Information by Outside Sources.....	40
Retention of Records.....	41

Section XII – Leave	49-48
--	------------------------------

Approval of Leave	45
Annual Leave.....	45
Bereavement Leave	45
Civil Leave (Jury Duty)	46
Compensatory (Comp) Leave	46
Family Medical Leave.....	46
Long Term Disability (LTD).....	47
Military Training Leave	47
On the Job Injury (Workers Comp).....	48
Short Term Disability (STD).....	48

Section XIII – Smoking Policy	49-50
--	------------------------------

Section XIV – Travel & Meals Reimbursement	51
---	---------------------------

Section XV – Computer Email and Internet 52-54

<u>Use of Accounts .</u>	<u>52</u>
<u>Integrity of the Network and Operating System</u>	<u>52</u>
<u>Privacy of Other Users</u>	<u>52</u>
<u>Use of Facilities and Equipment</u>	<u>53</u>
<u>Administration and Enforcement</u>	<u>53</u>
<u>Terms & Conditions of Computer Use</u>	<u>53</u>
<u>Network Etiquette</u>	<u>54</u>
<u>Security</u>	<u>54</u>

Section XVI – Workers Compensation 55-59

<u>Responsibilities</u>	<u>55</u>
<u>County Designated Physicians</u>	<u>56</u>
<u>Salary/Wage Benefits</u>	<u>57</u>
<u>Return to Work/Modified Duty</u>	<u>57</u>
<u>Light Duty Assignment</u>	<u>57</u>
<u>FMLA</u>	<u>58</u>
<u>Six Month Limitation</u>	<u>58</u>
<u>Claim Denials</u>	<u>59</u>
<u>Limitations and Exclusions</u>	<u>59</u>

Section XVII – Vehicle Policy 60-67

<u>Authorized Use</u>	<u>61</u>
<u>Unauthorized Use</u>	<u>61</u>
<u>Care & Maintenance</u>	<u>62</u>
<u>Emergency Repairs/Road Service</u>	<u>62</u>
<u>Vehicle Security</u>	<u>63</u>
<u>Accidents</u>	<u>63</u>
<u>Driver Qualifications & Training</u>	<u>64</u>
<u>Driving Records</u>	<u>65</u>
<u>Driving Standards</u>	<u>65</u>
<u>Miscellaneous</u>	<u>66</u>

Section XVIII – Drug & Alcohol 68-70

<u>Regulations</u>	<u>68</u>
<u>Drug & Alcohol Testing</u>	<u>68</u>
<u>Consequences of Confirmed Positive Test Result</u>	<u>69</u>
<u>Reasonable Suspicion Testing</u>	<u>69</u>

Purpose

The following personnel policies have been prepared and established for the information and guidance of the County employees and other interested parties. It is the intention of the Board of Supervisors to provide an orderly system of Personnel Administration as an aid to achieving better public service for the County.

Personnel regulations are developed and adopted to provide for the recruitment and development of the best available employee for each position. The regulations are established to ensure that:

1. Employment with the County shall be made attractive as a career.
2. All appointments and promotions shall be on the basis of merit and fitness, which, as far as is practicable, shall be determined by means of job-related, fair and competitive standards.
3. The Pay and Classification plan will be conducted and managed in accordance with all wage and hour regulations.
4. Each employee shall be encouraged to render his or her best service by providing a merit plan of employee evaluation and compensation.
5. Each employee will be knowledgeable as to the standards of conduct and performance expected for success in his or her position.
6. Each employee will receive fair and equitable treatment according to employment laws, including, but not limited to, the Fair Labor Standards Act, the National Labor Relations Act, the Age Discrimination in Employment Act of 1967, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Americans with Disabilities Act of 1991, and the Family and Medical Leave Act of 1993, all statutes, as amended, supplemented, or implemented.

Scope

Generally these policies apply to all regular full-time, part-time and probationary employees appointed by the Board of Supervisors or the County Administrator, or, as otherwise indicated. Employees of Constitutional Officers may be covered by these policies if there is a written mutual agreement between a Constitutional Officer and the Board of Supervisors. With the adoption of the Unified Pay and Classification Plan in December 1998, the employees of the Constitutional Officers participate in the procedures associated with it as described in Exhibit "A", Unified County Pay and Classification Plan.

Personnel exempt from the Personnel Management Plan shall include the following:

1. All elected officials.
2. Members of boards and commissions.
3. Volunteer personnel and personnel appointed to serve without pay.
4. Consultants and non-employee counsel rendering professional service.
5. Positions involving seasonal and/or temporary employment except as otherwise provided herein.
6. Positions having a direct, contractual arrangement with the Board of Supervisors, except as provided in the specific contractual arrangement.
7. Employees of the School Board and Social Services Department.
8. Student interns and work-study employees.
9. Such other positions as may be designated by the Board of Supervisors.

Use of Gender Specific Pronouns Herein

For convenience and ease of language usage, the masculine pronoun is frequently used herein to designate position incumbents. The use of the masculine is only for convenience, designates both the masculine and feminine genders, and should not be construed in any way as discriminatory to or

for either gender.

Interpretations

The County Administrator is authorized to make any necessary interpretations and clarifications of these policies. He may also issue administrative regulations or directives not inconsistent with these policies.

Definitions

1. *Administrative Leave.* An employee's absence from the job with pay, which is not charged to annual leave. Administrative leave may be utilized in a number of instances, but is most commonly utilized as a means of removing an employee from the workplace in order for the conduct of an investigation.
2. *Administrative Termination.* Employees who are hired by appointing authorities to fill positions that are later not funded by the Board.
3. *Amended Position.* In classifying amended position (i.e. changes to existing position), these represent those positions in which the position's essential functions have not been significantly changed in either type or degree, as identified in their Position Descriptions.
4. *Anniversary Date.* Anniversary date shall be first date of employment with the County.
5. *Authorized Closings.* When County operations are suspended officially, as determined by the County Administrator. The normal time frame for such closing usually is 8:00am to 5:00pm and any closing is reported on the inclement weather line, 540-727-3444 opt 9. Employee may also request to be notified via the Call Automated Notification System (CANS). An authorized closing may be for an entire shift, or for a partial shift, such as in the case of late openings or early closings, as directed by the County Administrator.
6. *Base Index Adjustment (BIA).* A percentage based on a rolling 36 month average of the Consumer Price Index (CPI), as of the month of December in each year. The BIA will be applied to the grade midpoint of the salary structure each year and will be granted to all employees who meet acceptable standards of the position
7. *Classification Scale.* The grouping of positions, considers: (1) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience, and abilities; (d) other indicators of performance.
8. *Compensatory (comp) Time.* Type of work schedule arrangement that allows employees to take time off instead of receiving overtime pay.
9. *Completion of Temporary Employment.* Separation from employment of a temporary employee who has worked through the last workday the position is available.
10. *Counseling.* A discussion or writing in which the between the Department Head or designee, discusses with the employee his deficient or unsatisfactory performance, in order to correct the performance.
11. *Demotion.* Employees' movement from one position to another that is at least one grade lower or a reduction in the pay grade of an employee in conjunction with a change in position duties and responsibilities. When an employee is reduced to a lower pay grade, the step within the new pay grade shall be determined by the County Administrator

12. *Disciplinary Action.* A formal action taken in response to an employee's improper behavior and/or violation of the Standards of Conduct.
13. *Documentation Pages.* A form used to thoroughly document the types of acceptable and unacceptable behaviors and/or work performance that are listed in the performance indicator section of the performance evaluation form.
14. *Essential Employee.* An employee, designated by the County, who shall be required to work any given hours during an authorized closing.

Essential positions include: General Properties (Building Maintenance) staff; Transfer Station Gate Attendant and Convenience Site Attendants for the Laurel Valley site; Emergency Medical Technicians/Firefighters; Animal Shelter caretaker for feeding and cleaning duties only; E911 Emergency Communications Center employees (dispatchers); and any other positions deemed essential by the County Administrator and added to the list.

15. *Exempt employee.* An employee who, because of his qualifications, duties, and responsibilities, and level of decision making authority is not entitled to overtime or compensatory leave under the provisions of the Fair Labor Standards Act.
16. *Full Time Employee.* Any employee who is generally scheduled to work at least 2,080 hours in 12 consecutive months or (40) hours in a week, unless a different time is required or authorized by Virginia or federal legal requirements. Full time employees are eligible for all County benefit programs.
17. *Grading Scale.* Positions are assigned to grades listed in the salary structure containing salary ranges expressed in terms of minimum, midpoint and maximum salaries.
18. *New Position.* In classifying positions, newly created positions represent those:
 1. Which did not previously exist; or
 2. Which the essential functions of an existing position have been significantly changed in type or degree, as identified in their position descriptions.
19. *Non-Essential Employee.* An employee who is not required or expected to work during an authorized closing. Non-essential employees may become essential employees, and should be notified of any such change in status as soon as practicable.
20. *Non-exempt employee.* An employee who is subject to all provisions of the Fair Labor Standards Act and must be paid overtime at the rate of time and one-half for hours worked in excess of 40 hours in any given week, unless working under another schedule authorized by the Fair Labor Standards Act.
21. *Normal Starting Salary.* A candidate for hire may be offered a starting salary up to the midpoint but no less than the minimum of the pay range for the position. Potential starting salary above midpoint must be approved by the County Administrator.
22. *Official Personnel File.* The employment file containing personal information relevant to the individual's employment, which is maintained and housed in the Human Resources Department.

23. *Part Time Employee.* Any employee who is assigned to a work day of less than eight (8) hours or a work week of less than forty (40) hours, unless otherwise required by Virginia or federal law. Regular part time employees may be eligible for non-County paid benefit programs.
24. *Performance Evaluation.* A form is used to assess the employee's performance of the requirements of the position listed in the position description. Salary increases are tied to overall performance levels, as determined by the performance evaluation.
25. *Performance Improvement Plan.* A written plan of action composed to improve employee deficient performance based on attitude or inability to perform according to standards of conduct and performance.
26. *Position Analysis Questionnaire* This document, herein referred to as the PAQ, is a form on which the essential functions, secondary ("marginal") functions, percentages of time involved in performing these functions, frequency of performing the functions and other information is delineated in specific detail. These documents are used to evaluate each position within the salary structure, including the location within the salary range, based on compensable factors. The PAQ is also used to create the position description itself.
27. *Position Description* This document is used to list the essential and secondary ("marginal") functions of a particular position, its minimum requirements in terms of education, experience and other knowledge, skills and abilities, as well as other indicators of performance. It describes the physical and mental traits necessary for performing the position at its fully proficient level. The description is a dynamic document, requiring alteration as functions are added and deleted
28. *Probationary Employee.* An individual who is in the initial or reinstituted probationary period for the position in which he or she is assigned.
29. *Pre-Approved Leave.* Leave which has been *previously authorized in writing prior to the commencement of the absence*, whether for vacation or illness purposes.
30. *Probationary Period.* The initial six (6) months of employment following an original or reemployment in which both the County and the newly appointed individuals – whether new hired, transferred demoted or promoted – may evaluate the fit of the individual and the position to which he or she has been appointed or assigned.
31. *Promotion.* Employee's movement from one position to another that is at least one grade higher because of the employee's knowledge, skills and abilities and business needs. When an employees is are promoted, salary shall be increased to the minimum for the assigned grade, or up to the midpoint for the assigned grade unless otherwise approved by the County Administrator.
32. *"QUILS" Awards.* A one time, lump sum award granted to employees for *Quality, Innovation, Leadership and Savings*. The award is not to exceed 10% of a person's salary, and nominations for QUILS must be approved by the Board of Supervisors Personnel Committee
33. *Reclassification.* An evaluation of the duties and responsibilities of a position to determine the appropriateness of the present grade which results in a change of classification. Reclassification will only be considered if additional duties have been added to or removed from an existing position.
34. *Re-employment.* The status of an employee returning to County employment following a

separation from County employment of more than thirty (30) consecutive calendar days. The re-employed employee's starting salary and a new anniversary date shall be determined according to the provisions of the Unified Pay and Classification Plan. Only time earned following actual reemployment is counted toward the probationary period, annual leave, or most other longevity-based County employee conditions or benefits.

35. *Regular Employee.* This term refers to the status of an employee having successfully completing the six months' initial probationary period and having no set duration for the employment relationship. The position to which the employee is assigned is a regular, ongoing position included in the County's complement of positions
36. *Reinstated Probationary Period.* Used in conjunction with a Performance Improvement Plan, the probationary period may be reinstated for a maximum period of six (6) months when such extended period is needed to determine the employee's capacity to perform their position consistent with the Position Description and in accordance with the standards of conduct outlined in Section VIII herein.
37. *Reinstatement.* The status of an employee returning to County employment within thirty (30) calendar days from the date of separation. The reinstated employee's anniversary dates remain the same, and all time earned prior to reinstatement shall be counted towards annual leave, etc., with actual time missed being deducted from leave accrual.
38. *Resignation.* Voluntary separation from employment through written notification initiated by the employee to the employing department. Written notification shall indicate the actual date the resignation is to become effective and shall be signed by the employee.
39. *Retirement.* The separation of a full-time employee who is qualified and scheduled to begin receiving retirement benefits.
40. *Separation.* The severance of the employment relationship between the County and an employee. This severance occurs through resignation, retirement, termination, lay-off, permanent disability or death.
41. *Standards of Conduct.* Examples of behavior that is considered acceptable and unacceptable in and out the workplace.
42. *Suspension.* An employee's absence from work, without pay, that a department imposes as a part of a disciplinary action and/or to remove the employee from the workplace pending (1) an investigation related to his or her conduct, or (2) a court action based upon the employee's conduct that violates the standards of conduct set forth in section VIII, Standards of Conduct in the Personnel Management Plan.
43. *Temporary Employee.* This term refers to an individual whose term of employment is for a fixed period of time – usually limited to a year or less. Frequently, these employees are in positions that are not included in the County's complement of positions, and are not eligible to participate in County benefit programs.
44. *Termination.* An involuntary separation from employment initiated by the employing department or the appropriate authority under the Personnel Management Plan or applicable law as a result of the employee's unsatisfactory work performance or misconduct.

45. *Transfers.* Employees' movement from one position to another in the same salary grade. Generally, these do not affect salary or anniversary date.
46. *Written Notice of Disciplinary Action Form.* A form used to provide formal written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to misconduct and/or unsatisfactory performance.

1. Open Competition. The County of Culpeper is an Equal Opportunity Employer, and does not discriminate on the basis of race, sex, creed, religion, national origin, age or physical disability. All positions covered by these policies shall be open to all persons who possess the requirements for the positions as indicated by the official specifications. The recruitment objective is to find the best qualified applicants for the positions available at the salary offered. Every effort will be made to recruit and hire qualified local applicants.

No Nepotism. No employee may hire a person with whom he or she has a significant relationship. "Significant relationship" is defined for purposes of the County's Personnel Management Plan as a parent, child, sibling, spouse, co-habiting sexual partner, or anyone else whom the employee dates or with whom the employee has a romantic/sexual relationship.

2. Probationary Period. All employees in regular positions are hired on a probationary basis for a period of six months. This period shall be used for the immediate supervisor to closely observe the employee's work, for obtaining the most effective adjustment of a new employee to his position and for administratively terminating any employee whose performance is not satisfactory. If, at the end of the probationary period, there is any doubt about the employee's capability or willingness to perform satisfactorily, the probationary period may be extended to a maximum of an additional six months, upon recommendation of the immediate supervisor and consent of the County Administrator.
3. Authority to Hire. Each Constitutional Officer has the authority to hire for positions in his department. The Board of Supervisors makes appointments for all other positions covered by these policies; however, the Board hereby delegates this authority and responsibility to the County Administrator for all positions other than the Administrator's. The County Administrator, accordingly, delegates hiring authority to department heads for available positions within their respective departments.
4. Temporary Appointments. Persons may be appointed to temporary positions for a fixed period. Temporary appointments of less than one year are not eligible for retirement and medical benefits.

POLICY STATEMENT

The Board of Supervisors has long recognized that it can best accomplish its goals and objectives with employees that are paid fairly and treated appropriately. The Board finds that the matters described herein are important and shall be used as guidelines for the ongoing administration of Culpeper County's Unified Pay and Classification System. However, the Board reserves the right to eliminate or amend these guidelines in whole, or in part, if it deems it in the County's best interest to do so. Further, the Board of Supervisors has the right to appropriate money consistent with its overall responsibility to appropriate funds for the Unified Pay and Classification System. **Nothing contained herein may be considered a contract between Culpeper County and any of its employees for any specific or general period of time.**

BACKGROUND

In 1998, the County underwent a comprehensive pay and classification study, including an extensive position evaluation process, performed by an outside consultant, assisted by County Staff. The positions were then assigned to grades containing salary ranges expressed in terms of minimum, midpoint and maximum salaries. This type of salary plan is called an "open range" plan.

As part of this process, position descriptions were created. These descriptions are revised as necessary. These descriptions are regularly reviewed to be inclusive of new position duties, as well as to determine if compensable position factors have changed sufficiently to warrant a reclassification of the positions.

Also during this process, the Board and the Constitutional Officers agreed that the employees of said Officers would participate equally in the Unified Pay and Classification System. The minutes, the resolution, and the conditions of the understanding are attached as "Exhibit A", the employees of Constitutional Officers came under the UPCS plan guidelines as delineated herein.

In 2003, the County contracted with another outside consultant to perform a market wage study for the purpose of determining whether the salary ranges remained competitive with comparable jurisdictions. This study resulted in reclassifications of many positions into a salary structure which more accurately reflects the external market, and base line the salary index. In FY2006, the updated salary structure was adopted and individual employees began the adjustments to midpoint for their grades.

Purpose

The Unified Pay and Classification System (UPCS) categorizes or groups each position based upon the knowledge, skills and abilities found in the position description. These positions are then assigned to grades containing salary ranges. The UPCS is intended to serve as an aid in recruitment, selection, budgeting, and wage/salary administration.

Scope

This policy applies to all employees

ProceduresDevelopment of Position Descriptions

1. A Department Head or Constitutional must complete a Position Analysis Questionnaire (PAQ). The Department Head or Constitutional Officer will meet with the Human Resources Director, to review the PAQ for completeness and internal consistency.
2. The Director of Human Resources will ensure that the information contained on the PAQ becomes a Position Description.
3. Once a Position Description is prepared, a grade assignment will be recommended, and the package will be forwarded to the County Administrator.
4. Once the County Administrator has reviewed the package, he will forward it to the Personnel Committee of the Board of Supervisors for approval.
5. Once approval has been obtained from the Personnel Committee, the Director of Human Resources will provide a copy of the position description to the Department Head or Constitutional Officer, along with the proper grade and position number information.
6. The Director of Human Resources will ensure that a copy of the Position Description is retained in the Human Resources Department.

Amending a Current Position Description

1. The Department Head or Constitutional Officer will meet with the Director of Human Resources and verify that the current Position Description does or does not reflect the positions' essential functions and responsibilities.
2. If determined that the essential functions of the position have changed significantly in type or degree, then the revised Position Description must go through the same process as a new position.
3. If determined that the essential functions of the position have not changed significantly in type or degree, then the Director of Human Resources will ensure that the Position Description is amended to accurately reflect the position's essential functions and responsibilities.
4. The Director of Human Resources will provide a copy of the Position Description to the Department Head or Constitutional Officer, and will ensure that a copy of the position description is retained in the Human Resources Department.

Reclassification

1. If determined that the essential functions of the position have not significantly changed in type or degree, and the position description has been updated using the guidelines described in

Amending a Current Position Description, a Department Head or Constitutional Officer may request that a position be reviewed to determine the appropriateness of the present grade.

2. All requests must be accompanied by the amended Position Description as well as a memorandum to the Director of Human Resources containing complete justification for the proposed reclassification, and a list of additional duties that has been assigned to the position.
3. Upon completion of a review of the request and accompanying justification, a grade assignment will be recommended by the Director of Human Resources, and the package will be forwarded to the County Administrator for subsequent approval by the Personnel Committee.
4. Once approval has been obtained, the Director of Human Resources will advise the Department Head or Constitutional Officer of this determination.

Salary Structure

In order to maintain competitiveness of Culpeper County's salary grades, the salary structure will be adjusted annually to reflect labor market movement. Culpeper County shall:

1. Use an open range pay plan, which has a series of thirteen (13) total grades, and a structure consisting of minimum, midpoint and maximum salary figures that reflects the labor market at the time of the market survey, with market rate being defined as the grade midpoint.
2. Increase the salary structure by a percentage figure each year that will be applied to the grade midpoint to reflect the Base Index Adjustment (BIA) adjustment. The referenced percentage shall be the rolling 36 month average of the Consumer Price Index (CPI), as of the month of December in each year.
3. Every fifth year, the Director of Human Resources will conduct a market based salary study to evaluate the link between the County's structure and the labor market data.

It is important to note that adjustments in salary grade values do not necessarily imply or guarantee changes to base pay and are always subject to budgetary constraints and Board of Supervisors' appropriations.

Normal Starting Salary

A candidate for hire may be offered a starting salary up to the midpoint but no less than the minimum of the pay range for the position.

1. The hiring authority may request that the starting salary exceed the midpoint of the position. All written requests must be accompanied with justification for the starting pay as well as identifying the source of funding for the proposed adjustment to the Director of Human Resources.
2. The proposed salary information will be forwarded to the County Administrator for approval.
3. Once approval has been obtained, the Director of Human Resources will advise the hiring authority of this determination

POLICY STATEMENT

The Board of Supervisors is committed to the goals and objectives of the Unified Pay and Classification System (UPCS) as described in Section III of the Personnel Management Plan. As part of this system a Pay for Performance Plan was implemented to set performance requirements for all positions, to ensure that each employee is aware of the performance requirements for his or her position, and to facilitate the formal evaluation of each employee's performance at least annually.

The Board intends this Policy to guide the ongoing administration of Culpeper County's Unified Pay and Classification System and the Pay for Performance Plan. However, the Board reserves the right to eliminate or amend these guidelines, in whole or in part, if it deems it **is** in the County's best interest to do so. Further, it must be noted that all expenditures of County funds, including salary expenditures, are subject to monetary appropriation by the Board of Supervisors. Accordingly, a change in appropriation may result in the reduction or elimination of the Board's appropriation called for under the Unified Pay and Classification System. **Nothing contained herein may be considered a contract between Culpeper County and any of its employees for any specific or general period of time.**

BACKGROUND

In 2005 a team of representatives from County departments, and Constitutional Officers called the Comprehensive Planning Team (CPT) met to discuss methodologies for rewarding quality performance. The CPT's recommended plan included three components: (1) a cost of living adjustment for employees who meet the standards of the position and to the pay scale; (2) additional increases based upon superior performance on the part of the employee; and (3) one time "QulLS Awards" for Quality, Innovation, Leadership and Savings. The team also recommended revising the performance evaluation form, modifying the timing of evaluation to be covered with employee, and enhancing department/participant training.

These recommendations were implemented and described in detail herein.

Purpose

Pay for Performance evaluates employees' on an annual basis for hours the employee performs the requirements of the position, and salary increases are based upon performance levels as listed in the evaluation form. This plan ensures that each employee is fully informed of County expectations regarding the performance of his/her position, and motivated to perform at the highest possible level, and encouraged to set personal goals for professional development and performance improvement.

Scope

This policy applies to all employees

ProceduresPosition Descriptions and Performance Requirements

1. Although coaching and counseling of employees concerning position performance should occur throughout the year, formal written performance evaluations must be conducted at times listed in this section.
2. It is the Department Head's or Constitutional Officer's responsibility to ensure each employee is aware of performance standards and expectations and to apply objective performance requirements in supervising and evaluating employee performance.
3. All recommendations for performance improvement must be based on a clear description of duties to be performed consistent with the position description. For this reason, each Department Head or Constitutional Officer should periodically review and recommend changes to position descriptions for each position in the department.

Performance Evaluation Schedule

1. Probationary employees shall be reviewed no later than two weeks before the end of the probationary period. Documentation pages must be attached to detail the basis for the score listed on the performance evaluation. This review serves not only as a means of assessing the employee's performance but also to formally advise the employee if improvement is needed in order to complete the probationary period successfully.
2. Non-probationary or regular employees shall be evaluated formally in February of each year. Documentation pages must be attached to justify the score listed on the performance evaluation. An annual evaluation is required to determine if the employee is eligible for a performance-based salary increase.
3. Each completed performance evaluation must be reviewed for consistency by the Department of Human Resources before being discussed with the employee. The evaluation may be further reviewed by the County Administrator and/or the Board of Supervisors Personnel Committee.
4. After completion and review of the evaluation form, the Department Head or Constitutional Officer shall show it to and discuss it with the employee. This discussion provides an opportunity for both parties to clarify their impressions of the employee's performance and their mutual understanding of position tasks, goals and performance standards. It also enables both parties to set performance goals for the upcoming evaluation period. Employee strengths and weaknesses should be discussed and the Department Head or Constitutional Officer should counsel employee regarding future improvement, if necessary.
5. A copy of the completed evaluation form shall be given to the employee, and an additional copy shall be sent to the Human Resources Department for permanent retention in the employee's personnel file.

Salary Increases

5. Salary increases are granted in July of each year and are based upon overall performance levels as documented in the performance evaluation.
6. An employee who fully meets acceptable standards of the position as indicated on the performance evaluation will receive a BIA increase. The BIA is a percentage based upon a rolling 36 month average of the Consumer Price Index (CPI), as of the month of December in each year.
7. An employee with an overall rating of work processes, results and service exceeding the standards set for fully successful work performance as outlined in the position description may be eligible for an additional one (1), or two (2) percent pay increase, over and above the BIA increase.
8. An employee may be eligible for a three (3) percent increase, above the BIA, if the overall performance evaluation rating is in excess of 4.5. These increases are subject to approval by the Board of Supervisors Personnel Committee.
9. Salary increases are calculated by applying the BIA to the grade midpoint of the salary range. Any percentage increases due to exceeding the standards set for fully successful work performance will be calculated once the BIA increase has been added to the employee's gross salary.
10. Individuals, whose hire dates are between July 1st and December 31st of any given fiscal year, will receive a BIA increase during the annual evaluation period. Individuals whose hire dates are between January 1st and June 30th of any given fiscal year, will not receive the increase scheduled in July, but will receive it, if they are fully meeting the standards of the position, upon the completion of their probationary period.
11. Constitutional Officers will normally receive the BIA increase as applied to their current salary. If the State Compensation Board, which normally allows for raises in November of each year, should provide for a COLA higher than the BIA the County has chosen based on the rolling 36 month average of the Consumer Price Index (CPI), and applied to the Constitutional Officers' salaries in July, then the difference of the COLA and BIA increases would be applied to the Constitutional Officers salary in the December payroll.
12. Constitutional Officers may also, from time to time, receive from the State Compensation Board ("SCB"), raises due to certifications because of achievements within their category. These raises are normally calculated as follows, the total reimbursement the County will receive from the SCB for the salary plus the benefits on that salary increase at the rate of reimbursement for those benefits (ie. FICA, VRS, GLI). Then the total reimbursement amount (salary and benefits) is compared to the salary increase at the rate of benefits paid by the County. The Constitutional Officer's salary is adjusted so there is no loss by the County for the salary increase including benefits. These raises from the SCB increases would be applied to the Constitutional Officers salary in the December payroll.

Unsatisfactory Performance Evaluations

5. Employees whose overall ratings do not reach 2.5 are not performing up to standards for their positions, and will not be eligible for a pay increase.
6. Such employee shall be placed on a performance improvement plan and a reinstated probationary period. The plan shall be in writing and shall state the objectionable attitude or behavior, strategy

for improving performance, and outline expectations in behavior to obtain a performance rating that would qualify the employee for a salary increase.

7. Such employee will then be evaluated no later than two weeks before the end of the probationary period.
8. If the performance has sufficiently improved, the employee may be retained, and without salary adjustment.
9. If the performance has not improved, further steps may be taken as outlined on the performance improvement plan.

Purpose

It is the County's objective to compensate employees in a fair and reasonable manner, and in accordance with all federal and state requirements.

Scope

This policy applies to all employees

ProceduresPay Schedule

1. Employees are paid on a monthly basis with pay day being assigned as the 30th of each month, or the Friday before if the 30th falls on a weekend.
2. Timesheets shall be submitted by not later than the indicated due date listed on the control sheet for payroll processing. Pay processing and pay for time worked may be delayed for at least one (1) month for any employee who fails to timely submit a timesheet.
3. Direct deposit is mandatory. Any additions or changes to direct deposit may require issuance of a manual check for the first pay period following the change.

Work Hours

1. The standard work week for all full time employees, excluding sworn law enforcement, emergency services, and dispatch personnel, is forty (40) hours, Monday thru Sunday. Individual employee schedules may vary as determined by the Department Head or Constitutional Officer.
2. The standard work week for all sworn law enforcement and emergency services personnel shall be 28 consecutive calendar days, with the number of hours worked varying depending upon shift schedules as determined by the Department Head.
3. The standard work week for dispatch personnel is Monday thru Sunday with alternating weekly schedules between 36 hours per week and 48 hours per week. Shift schedules and individual employee schedules shall be determined by the Department Head.

Overtime

Non-exempt employees shall be compensated for overtime in accordance with the following provisions:

1. Non-exempt employees, excluding sworn law enforcement, emergency services, and dispatch personnel, shall be compensated at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours during the work week. Pursuant to their understanding with the County, employees may accrue limited compensatory time in lieu of overtime pay. Compensatory (comp) time shall be paid out in accordance with Section XII of the Personnel Management Plan.
2. Non-exempt emergency services personnel:
 - a. Shall earn straight time at their hourly rate of pay for hours worked in excess of their scheduled work hours wherein the hours worked are more than 151 hours but less than 213 hours in a 28 day work period.
 - b. Shall be compensated at one and one-half times their regular rate of pay for all hours worked in excess of 212 hours during the 28 day work period.

3. Non-exempt dispatch personnel (36 hour / 48 hour weekly schedule):
 - a. During a 36 hour normal work week shall receive pay for working 40 hours with no leave reduction, and will be compensated at one and one-half time their regular rate of pay for all hours worked in excess of 40 hours during the work week.
 - b. During a 48 hour normal work week shall be compensated at half their regular rate of pay for the additional 8 hours, and shall be compensated at one and one-half their regular rate of pay for all hours worked in excess of 48 hours during the work week.
4. Non-exempt sworn law enforcement personnel:
 - a. Shall earn straight time at their hourly rate of pay for hours worked in excess of their scheduled work hours wherein the hours actually worked are more than 159 hours but less than 172 hours in a 28 day work period.
 - b. Shall be compensated at one and one-half times their regular rate of pay for all hours worked in excess of 171 hours during the 28 day work period.
5. Overtime work must be approved in advance and in writing, except in an emergency, prior to being performed.
6. *Exempt employees are not entitled to overtime or compensatory leave under the provisions of the Fair Labor Standards Act*

Holiday Pay

Culpeper County closes its offices in observance of holidays as directed by the Board of Supervisors. Holidays generally include:

- | | |
|--------------------------|--------------------|
| ▪ New Year's Day | ▪ Labor Day |
| ▪ Lee-Jackson Day | ▪ Columbus Day |
| ▪ Martin Luther King Day | ▪ Veteran's Day |
| ▪ President's Day | ▪ Thanksgiving Day |
| ▪ Memorial Day | ▪ Christmas Day |
| ▪ Independence Day | |

In observance of a holiday, employees are compensated in accordance with the following provisions:

1. All non-essential full time employees do not report to work, but receive compensation based on their regular salaries as if they reported to work as usual. Non-exempt full time employees who are required to work or are defined as essential shall be compensated as follows:
 - a. Shall receive regular hourly pay for all hours actually worked on the holiday and hours will be included in the calculation of any overtime for the work week.
 - b. Shall receive a holiday benefit up to 8 hours at the regular hourly rate to either take as time off within the pay period in which the holiday occurs or as straight time pay in the event the time off cannot be scheduled.
2. All non-essential part time employees do not report to work and do not receive compensation for any closing in observance of a holiday. Non-exempt part time employees required to work on a holiday or defined as essential shall be compensated as follows:

- a. Shall receive one and one half their regular hourly rate for all hours actually worked on the holiday, and hours will be included in the calculation of any overtime for the work week.

Holidays falling on Saturdays and Sundays may be observed, i.e., the buildings closed, on Fridays and Mondays, respectively at the direction of the Board of Supervisors.

Inclement Weather Pay

During an authorized closing determined by the County Administrator, employees are compensated in accordance with the following provisions:

1. All non-essential full time employees do not report to work, but shall receive compensation as if they reported to work as usual. No additional compensation will be granted to employees who do report to work and perform their regular duties. Non-exempt full time employees who are required to work or are defined as essential shall be compensated as follows:
 - a. Shall receive regular hourly pay for all hours actually worked on the holiday and hours will be included in the calculation of any overtime for the work week.
 - b. Shall receive a weather benefit up to 8 hours at the regular hourly rate for the portion of the shift that falls within the authorized closing.
2. All non-essential part time employees do not report to work, and do not receive compensation for any closing due to inclement weather. Non-exempt part time employees who are required to work or are defined as essential shall receive pay at the regular hourly rate for all hours worked during an authorized closing.
3. Employees who are on *pre-approved leave as defined herein* when an authorized closing is announced shall have the hours within the authorized closing credited to the weather event, and not to annual leave balances. Any leave approved that falls outside the authorizing closing shall be credited to annual leave as previously arranged.
4. Employees who are unable to report to work when the County is running on a normal schedule may utilize leave or leave without pay.

If an essential employee does not work the authorized closing, and is not on pre-approved leave, may be subject to disciplinary action, as outlined in Section VIII.

On-call

On-call time is defined as a period of time where an employee is required to remain available outside their regular work hours and to be available to report to work if requested. An employee will be compensated as follows if he is required to remain within a geographical area, personal activities are restricted, and must report within a reasonable timeframe. Employees will be compensated for on call in accordance with the following provisions:

1. Purpose. The purpose of the Service Awards Program is:

- to commend faithful service performed by County employees;
- to emphasize that each individual plays a key role in the County's progress;
- to recognize that an employee's contribution grows with each additional year of service;
- to encourage career employment with the County.

2. Basis for Awards.

1. *Determination of Awards.* Service awards will be based on continuous service (as defined herein) by eligible employees.
2. *Continuous Service.* Any break in service for a period of thirty (30) or more consecutive calendar days shall destroy the continuity of service. However, authorized leaves of absence such as vacation leave, annual leave, military training leave, and approved sick leave shall not destroy continuity of service and credit for the time will be granted; nor shall military duty leave, approved education leave and other approved leaves of absence destroy continuity of service.
3. *Dismissal.* No credit shall be given for employment with the County terminated by a dismissal. Any employee who is dismissed and is later reemployed with the County shall not receive credit for previous employment with the County.

3. Awards

1. *Gift Awards.* Gift awards shall be made according to scheduled increments of five years of service each, beginning with five years of service. The gifts presented for each level of service are attached.
2. *Administration: Presentation of Awards.* Awards shall be presented at such time and date established by the County Administrator.
3. *Administration: Computation of Length of Service:* Time in service shall be computed annually based on the employee's anniversary date and shall take into account continuous months of service.

With prior approval of the County Administrator in such forms as he may prescribe, employees shall be reimbursed for all reasonable expenses incurred in participation in short courses, seminars, conferences, meetings, etc., coincident with the employee's routine responsibilities with the County. Short seminars may be attended on County time, with any travel being subject to the Travel and Meals Section of the Personnel Management Plan.

County employees may be reimbursed for educational expenses incurred for books, training aids, and tuition when taking courses related directly to their work after said employees successfully complete the courses. All books and related training materials become the property of the County but may be retained by employees for reference during their employment.

The County actively supports and encourages academic study at local schools and/or colleges by employees during their **outside, off-duty** hours. However, in order to clarify the administrative procedures for claims of reimbursement, the following guidelines are to be followed:

1. The course must be in direct relationship to the employee's position and be taken for academic credit.
2. Each department head will include in his or her annual budget an estimated amount of money for the program. It shall be the employee's responsibility to notify his or her Department Head by the beginning of the budget preparatory cycle of each year if educational reimbursements are anticipated in the coming fiscal year beginning July 1st, and the estimated cost of same. The employee must achieve a satisfactory rating, or minimum grade of "C" or comparable grade, to qualify for the reimbursement.
3. The application for reimbursement consideration is to be submitted in writing ten days prior to the course start date, and is to include the course description and estimated cost of books, training aids, and tuition. The application is to be routed through the Department Head for recommendation and preparation of a General Requisition for appropriate funding. Determination of fund availability and appropriateness of amount will be made by the Department Head, Human Resources Manager and the Finance Director. The application and general requisition will be forwarded to the Finance Director for approval and issuance of a purchase order.
4. Upon completion of the course, a copy of the grade report, paid books, training aids and tuition receipts are to be submitted with the purchase order copy for reimbursement.
5. Employees who are approved for enrollment in a course of study leading to a degree, on a part-time basis, shall sign a contract agreement to not resign from the County after completion of the course of study for a period of 30 days per academic credit hour or unit earned toward the degree. Included in this agreement shall be language indicating that, in the event the employee resigns or is terminated for cause from the County's service before completing the course of study, or before the time commitment has been satisfied, the employee shall reimburse the County for 100% of the cost of books, tuition, and any other fees for which the County has participated. Also included in the agreement will be language delineating the County's options (including, but not limited to, deduction from final paycheck) for recovering the monies involved.

The Human Resources Manager and the respective department heads shall be responsible for the organization and execution of any other training programs which might be of value to County employees.

Purpose

It is the County's objective to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct and work performance. Accordingly, this policy sets forth (1) standards for professional conduct, (2) behavior that is unacceptable, and (3) actions that departments may impose to address behavior and employment problems.

Scope

This policy applies to all employees covered under the Personnel Management Plan.

ProceduresEmployment At Will

1. All County employees are employees-at-will under Virginia law. However, during an employee's first six months of employment, that employee is on probation, and as such has no grievance rights under the Personnel Management Plan.

Standards of Conduct

Each employee is responsible for promoting an image of professionalism at all times and is expected to adhere to the following Standards of Conduct:

1. Provide the highest level of customer service possible;
2. Treat individuals, including subordinates, fellow employees and management alike, and those whom they serve, with respect, courtesy, and tact regardless of age, race, color, religion, sex, national origin, marital status, pregnancy, childbirth or related medical conditions, certain veteran status, or retaliation for a claim made under any of the above.
3. Provide satisfactory work performance. Notify Department head or designee of any conditions or circumstances and/or unclear instructions or procedures that prevent satisfactory work performance;
4. Report to work, serve the appropriate time as scheduled, and conduct coming on duty procedures and being released of duty procedures, as required by Department policies;
5. Comply with all rules and regulations prescribed in the Personnel Management Plan;
6. Comply with proper order of a Department head, supervisor or their designees;
7. Give written notice to the Department Head or designee for any employment outside County employment, and obtain prior approval before engaging in any other employment in other agencies, outside of County service, in any private businesses, or in the conduct of professions, when such other employment or work may conflict with the County, the employee's duties for the County, or may put the County in an adverse light in the eyes of the public;
8. Promote safe operations and comply with all appropriate safety and health regulations. Report hazards in order to be corrected;
9. Dress in appropriate attire, uniform, and safety equipment as specified by the department and position;

The following conduct is prohibited. Employees who engage in any of the following may be subject to disciplinary action, up to and including termination:

1. Performing inadequate or unsatisfactory work performance and/or customer service; failure to carry out reasonable assignments;
2. Use of obscene, offensive, abusive or threatening language toward other employees, supervisors, or members of the public;
3. Direct refusal and failure to follow a department head, supervisor, or their designee's direct, legal instructions; refusal to work overtime hours as required, or working unauthorized overtime;
4. Arriving late for work;
5. Absent an emergency, failure to provide two (2) days advance notice before commencement of leave; absence in excess of one day without proper authorization or a satisfactory reason. (Any absence in excess of three days without proper notification shall be deemed to have resigned without notice);
6. Using County property for other than officially approved activities such as for outside employment or frequent personal activities;
7. Theft or unauthorized removal of County property, or the property of other persons. Willfully or carelessly damaging or defacing County property or property of other persons (including but not limited to employees, supervisors or members of the public);
8. Falsifying any County statement in verbal or written form. (e.g. employment application, time records, time and attendance records, vehicle accident claims, worker's compensation claims, etc);
9. Supervising or otherwise having control or influence over work activities or salary matters for person with whom employee has a significant personal relationship. For purposes of the Personnel Management Plan, "significant personal relationship" is defined as a parent, child, spouse, sibling, co-habiting and/or sexual partner, or anyone else whom the employee dates, or with whom the employee has a romantic relationship;
10. Abuse of authority by a department head, such as gross favoritism or mistreatment of employees; condoning illegal or improper actions of subordinates toward supervisors, other employees or members of the public;
11. Engaging in outside employment without prior approval from the Department head or designee;
12. Unauthorized sleeping during work hours;
13. Failure to report any accident, injury or auto/equipment damage to Department head or designee; Creating or contributing to unsanitary or unsafe conditions in the workplace;
14. Operating a County vehicle in excess of posted speed limits; reckless driving of County vehicles;
15. Being convicted of a moving traffic violation while using a County-owned or other public-use vehicle; knowingly operating a vehicle on County business with a revoked or suspended driver's license;

10. Transporting unauthorized passengers in County vehicles or use of County vehicles for unauthorized personal business;
16. Possession or use of an illegal substance while on duty or on County property;
17. Unauthorized possession or use of firearms, dangerous weapons, or explosives on County time or on County property. Misuse or abuse of authorized firearms, dangerous weapons or explosives, on or off duty, on County property or off. (Ex: Off-duty discharge of County issued firearm, except for target practice at an approved range to maintain necessary certifications);
18. Disruptive or distracting behavior which interferes work being performed;
19. Sexually harassing a fellow employee, supervisor, or subordinate; sexually harassing a member of the public on County property or while on duty; Display of obscene, pornographic, or other similarly offensive pictures on County property or while on County duty;
20. Fighting, threatening, assaulting and/or other acts of physical violence on County property or while on duty;
21. Secretly tape recording conversations with other employees, supervisors and/or members of the public without the mutual consent of all parties to the conversation. Divulging information obtained by secretly listening to or eavesdropping upon private conversations between other employees, supervisors and/or members of the public. Divulging confidential personal or work related information;
22. Participating in any kind of work slowdown or similar concerted interference with County operations;
23. Commission of any act deemed to be illegal under the Code of Virginia while on County time or on County property;
24. Engaging in criminal, dishonest, immoral, disgraceful conduct harmful to the County; conviction of a crime which reflects negatively on the County;
25. Violating any policy or procedure prescribed in the Personnel Management plan not described in this section.

This list is to be considered illustrative and not all-inclusive.

Counseling

1. Counseling may be a discussion or writing in which the Department Head or designee discusses areas of improvement related to the employee's work performance or behavior. Counseling is not to be used as formal disciplinary action.
2. Counseling may be verbal or documented on the Performance Improvement Plan (PIP). The Performance Improvement Plan shall include the following: (1) a description and specific examples related to the employee's conduct as well as any supporting documentation (2) expectations of appropriate conduct (3) an explanation of how the conduct impacts the work environment and (4) consequences if the employee fails to meet expectations as outlined in the PIP.

3. Documentation regarding counseling will normally be retained in Department Head or designee's files except when directly related to performance evaluations or to support subsequent formal disciplinary action.
4. Counseling is not a prerequisite to disciplinary action.
5. Counseling is not grievable.

Disciplinary Action

When appropriate, a formal policy of progressive employee discipline should generally be followed by a Department head or designee depending upon the seriousness of the offense. The following steps should be used for a series of minor offenses. A serious first offense which warrants suspension or termination should result in such disciplinary actions without the preliminary steps. Steps in the process include:

- Verbal warning
 - Written Warning
 - Suspension
 - Termination
1. *The organization reserves the right to alter the progressive discipline order described above, to skip or eliminate disciplinary steps, or to create new and/or additional steps.*
 2. The Human Resources Director will advise the Department Head or designee of the policies and procedures related to the use of progressive discipline, ensure equitable interpretation and application of the provisions of this section, and recommend appropriate action if necessary.
 3. Prior to any formal disciplinary action, including suspension, or termination, the Department head or designee shall provide a Written Notice of Offense to the employee which includes (1) time, date and nature of the offense (2) potential disciplinary action, and (3) a suggested time to meet to discuss the circumstances of the offense. A meeting shall be held with the employee to discuss the offense, and allow the employee an opportunity to explain his or her actions including mitigating circumstances.
 4. Should, following the informal hearing, the Department Head or designee decide to impose formal discipline, a Written Notice of Disciplinary Action shall be prepared and copies provided to the employee and the Human Resources Department. The Written Notice of Disciplinary Action will include (1) the nature and evidence of the offense (2) any disciplinary action taken in addition to the issuing of the form (3) any extenuating circumstances that were considered, (5) consequences if the employee fails to correct behavior, and (6) the employee's right to grieve the action, if any. The Notice shall be signed by the employee and in the event the employee is unable to sign, shall be initialed by the Department Head or designee.
 5. An employee may be removed from the work area, without providing advance notice, when the employee's continued presence may be harmful to the employee, their fellow employees, or to the work environment or makes it impossible for the department to conduct business. In this event, the Department Head or designee shall provide Written Notice of Offense after the employee has been removed.
 6. The Written Notice of Disciplinary Action shall remain active for a period of two (2) years. At the end of the active period, any disciplinary action may be removed from the personnel file at the employee's request.

Mitigating Circumstances

1. In choosing the appropriate disciplinary action, the Department Head or designee should consider mitigating circumstances, to include, but not limited to:
 - a. the seriousness of the offense
 - b. past performance
 - c. the length of employment with the County
 - d. an employee's ability and willingness to correct the offense
 - e. disciplinary actions taken for similar offenses of that employee and other employees
 - f. any other circumstances related to the nature of the offense, an employee's employment with the County, and the effect the offense may have on the organization.

Other Circumstances which prevent employees from performing their jobs.

1. An employee unable to perform the essential functions of the position in which he or she is assigned may be removed, or terminated from employment, under this section. Reasons include, but are not limited to:
 - a. Loss of driver's license, if required for the position held;
 - b. Incarceration for more than a minimal period of time;
 - c. Loss of license or certification required for position;
 - d. Medical conditions;
 - e. Criminal convictions and/or conduct occurring on or off the job that are related to job performance.

Administrative Leave

1. Administrative leave, with pay, may be used when the asserted offense makes it operationally desirable to separate the employee from the workplace while an investigation is conducted; the responsibility of the employee is not clear; and, there is no potential for extreme adverse public reaction to the nature of the offense.
2. The length of an administrative leave shall be limited to (10) ten workdays.

Suspension

1. Pending an investigation, suspension, without pay, may be used when the offense and/or action is potentially serious; an investigation is necessary; the responsibility of the employee is more likely than not; and, there is a potential for extreme adverse public reaction to allow the employee to return to their position during an investigation.
2. As a disciplinary action, suspension, without pay, may be imposed by a Department Head or designee when it is determined that an employee has committed a serious offense or repeated minor offenses.
3. The length of an unpaid suspension or shall be limited to (30) thirty workdays.

4. If suspension is imposed, an employee may use accrued leave during the suspension period.
5. Suspensions fourteen (14) calendar days may affect an employee's annual leave accrual, retirement contributions and health insurance coverage, and other benefits.
6. Suspensions imposed on an exempt employee for disciplinary actions must be made on a full-day basis.

Absent an emergency, prior to imposing administrative leave or suspension for investigation purposes, a Department Head or designee should contact the Human Resources Department and/or the County Attorney.

Suspension/Administrative Leave pending Investigation

1. Written notification of administrative leave or suspension shall be by memorandum or letter, not by the Written Notice of Disciplinary Action form.
2. Employees on suspension or administrative leave normally shall not be allowed on the department's premises, nor shall they be allowed to perform any work on or using County property except to fulfill previously-scheduled court obligations or to file/process a grievance.
3. When administrative leave is imposed, and if, following the conclusion of the investigation the Department Head or designee:
 - a. Determines that a disciplinary action is not appropriate, the employee shall return to work.
 - b. Determines that the offense violates Standards of Conduct, a Written Notice of Disciplinary Action form shall be completed and, the disciplinary action shall begin immediately.
4. When suspension is imposed, and if, following the conclusion of the investigation the Department Head or designee:
 - a. Determines that a disciplinary action is not appropriate, the employee shall return to work. Any leave, and other benefits shall be reinstated and the employee shall receive back pay for the suspension period.
 - b. Determines that the offense violates Standards of Conduct a Written Notice of Disciplinary Action form shall be completed, and the disciplinary action shall begin immediately.
 - c. If suspension is imposed as a formal disciplinary action, the employee shall only begin the suspension period if the period is longer than the investigation suspension. If the disciplinary suspension is less than the investigation suspension, the employee shall be reimbursed the difference in lost pay and benefits.
5. The Department Head or designee shall have ten (10) workdays to complete an investigation. If the department does not make a decision regarding disciplinary action within ten (10) workdays, the employee shall either (1) be terminated (for example, a law enforcement investigation which may take months to complete and the potential offense is such as may cause an extreme public reaction) or (2) be permitted to return to work pending completion of the investigation.

Separation from employment

1. In the event of resignation, retirement, termination, lay-off, permanent disability or death, an employee may be entitled to the following benefits:

- a. Payment for accrued annual leave, compensatory, and/or overtime.
 - b. Continuation of health insurance under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA).
2. Benefits shall be cancelled on the last day of the month following the separation.
3. The separation date shall be recorded as the last day worked or the notification date in the event the employee is on a leave of absence.
4. Payment for hours worked and entitlement of benefits shall be mailed to the employee.

Grievance

1. An eligible employee may challenge a disciplinary action through the grievance process. Please see section X, Grievance Policy/Procedure of the Personnel Management Plan.



County of Culpeper

PERFORMANCE IMPROVEMENT PLAN

Employee Counseling Statement

Employee Name: _____

Department: _____ Date of Issuance: _____

Issued by: _____
Name Title Signature

1. Observations of employee's conduct. Provide dates, times, etc. (Attach any supporting documentation)

2. Following standards that will be expected of employee in the future.

3. How conduct impacts the work environment

4. Consequences if the employee fails to meet expectations.

Matter will be reviewed within _____ or upon next occurrence.

Employee comments:

I have read and received a copy of the above statement

Employee Signature: _____

Date Signed: _____

REVIEW OF PROGRESS

☐ Employee has achieved the required improvement described above and will be re-evaluated again at any point in the future in which performance begins to decline.

☐ Employee has not achieved the required improvement described above. The employee has problems in the following areas:

Suggested Action:

☐ Conduct another review within _____ days/weeks

☐ Progress into formal disciplinary action. Written notice of Disciplinary Action form issued.

Follow up review signatures:

Department Head of Designee

Date

Employee

Date

REVIEW OF PROGRESS

☐ Employee has achieved the required improvement described above and will be re-evaluated again at any point in the future in which performance begins to decline.

☐ Employee has not achieved the required improvement described above. The employee has problems in the following areas:

Suggested Action:

☐ Conduct another review within _____ days/weeks

☐ Progress into formal disciplinary action. Written notice of Disciplinary Action form issued.

Follow up review signatures:

Department Head of Designee

Date

Employee

Date



County of Culpeper WRITTEN NOTICE OF DISCIPLINARY ACTION

Employee Name: _____ Department: _____

Date of Offense(s): _____ Date of Issuance: _____ Inactive Date: _____

Issued by: _____
Name Title Signature

Section I – Offense

Nature of Offense and Evidence: Briefly describe the offense and give an explanation of the evidence. Clear outline of expectations for future performance.

Documentation attached? Yes _____ #of pages _____ No _____

Section II – Disciplinary Action

- ☐ Verbal Warning
☐ Written Warning
☐ Suspension from _____ through _____ Return to work _____ # days suspended _____
Date Date Date
☐ Termination _____
Effective Date

Section II – Circumstances Considered

Describe any circumstances or background information used to reduce or support the disciplinary action.

Documentation attached? Yes _____ #of pages _____ No _____

Section VI Notice to Employee

(Sample) It is expected that the situation described above will be corrected immediately. In the event this situation is not corrected, or another offense occurs, you may be subject to further disciplinary action as outlined in the Standards of Conduct Policy. **If you wish to appeal the corrective action noted above, and are eligible, you may do so under the provisions of the County Grievance Procedures.**

Section VII – Employee Signature

Employee's Signature _____ Date _____

Your signature is intended only to acknowledge receipt of the notice. It does not imply agreement or disagreement with the notice itself. If you refuse to sign, the Department Head or designee within the department will be asked to initial the form indicating that you received a copy of the form.

☐ Employee refused to sign/unavailable to sign Initials _____ Date _____

1. Policy Statement. It is the County's policy to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. This policy defines and prohibits conduct that could constitute sexual harassment, and provides a process for receiving and resolving sexual harassment complaints.

No Nepotism. No employee may supervise or otherwise have access, control, or influence over work activities or salary matters for persons with whom he or she has a significant relationship. For purposes of the Personnel Management Plan (the "Plan"), significant relationship is defined as a parent, child, spouse, sibling, co-habiting sexual partner, or anyone else whom the employee dates or with whom the employee has an amorous relationship. The terms "co-habiting," "dates," and "amorous" fall within this prohibition no matter how brief in time the relationship exists.

2. Scope. This policy applies to all County employees at all County locations. Furthermore, executive management at each location will establish appropriate procedures to ensure that all non-employees (vendors, contractors, trades people, etc.) on County premises are also made aware of the intent of the policy.
3. Policy. SEXUAL HARASSMENT WILL NOT BE TOLERATED IN THE CULPEPER COUNTY GOVERNMENT. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and may also violate other federal and State of Virginia laws. It also violates the County's Plan. However, conduct which violates the Plan does not necessarily have to violate other laws and may be less offensive than the conduct necessary to violate other laws such as Title VII. Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited. It will therefore constitute a violation of County policy for any employee to engage in any of the acts or behavior defined herein.

Making employment decisions based on sexual favoritism or the receipt or rejection of sexual favors is prohibited. Likewise, retaliating or discriminating against an employee for rejecting sexual advances and/or complaining about sexual harassment is also prohibited. Any action of a sexual nature which creates a hostile working environment is also prohibited. Any such misconduct will subject an employee to corrective action and/or appropriate disciplinary sanctions ranging from written reprimand and warning up to and including termination. More serious offenses may result in termination of employment, even if it is the harasser's first offense. The department head, supervisor, or County Administrator is not required to utilize progressive discipline when disciplining an employee who commits a serious offense of a sexual nature in the County work place.

Employees who feel they have been discriminated against on the basis of sex or harassed in any manner, including sexual, should immediately report such incidents following the procedure set forth herein without fear of reprisal.

Both men and women can be sexually harassed, and other employees can be affected by conduct that is not necessarily directed to them. Therefore, it shall be the duty of all employees, supervisors, and department heads to promptly report any incidents of sexual harassment to: (1) their immediate supervisor, (2) the Human Resources Director, and (3) the County Administrator, excepting any of them alleged to be a harasser.

The County recognizes that the issue of whether sexual harassment has occurred requires a factual determination based on all the evidence received. The County also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women.

Therefore, ALL complaints will be investigated promptly. Confidentiality will be maintained to the extent permitted by the circumstances and consistent with this policy.

1. Definitions.

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment.
- b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals.
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual harassment refers to sexual behavior that is not welcome and is personally offensive. It may lower morale and interfere with work effectiveness.

2. Prohibited Conduct.

Employees shall not sexually harass other employees. No employee may supervise another employee whom he or she dates or with whom he or she has an amorous relationship, however brief.

The following examples of conduct may or may not constitute sexual harassment under Title VII of the Civil Rights Act of 1964 depending upon the circumstances under which they occur, but are examples of statements or conduct which are inappropriate and constitute misconduct under the Personnel Management Plan, for which appropriate disciplinary action will be taken. They do not represent all forms in which misconduct under this policy or sexual harassment may occur.

- a. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors, such preferences including, but not limited to, hiring, promotion, training, and other opportunities or benefits, acceptance of a lower standard of performance, providing higher performance evaluations, and lax time-keeping, when similarly qualified persons are not afforded such benefits or opportunities.
- b. Explicit or implicit threats that an employee's job will be adversely affected if sexual demands are rejected, including, but not limited to, lower evaluations, denial of promotions or other employment opportunities, punitive transfers, terminations, and altered or increased work assignments.
- c. Denial of employment opportunities or otherwise adversely affecting a person's employment as set forth in subsection "b" above, based on rejection of sexual attention or demands.
- d. Deliberate, repeated, or unsolicited verbal comments and gestures of a sexual nature. This includes any type of sexually suggestive remarks, drawings, paintings, photographs or other depictions, transmissions, or jokes.
- e. Deliberate, unwanted, repeated, and unsolicited touching of any kind, including the touching,

patting, kissing or pinching of another person and the repeated brushing against another person's body.

- f. Propositions of a sexual nature; continued or repeated verbal comments of a sexual nature; degrading, abusive or sexually suggestive comments about an employee's appearance; whistling or catcalling of a sexual nature; and the display of sexually suggestive objects or paintings, drawings, photographs, or electronic transmissions.
- g. Using coercive sexual behavior to control or affect the career, salary, performance, or performance review of another employee.
- h. Unreasonably interfering with work performance or creating an otherwise offensive working environment.
- i. Demeaning, aggressive, intimidating or rude behavior which is gender-based and which creates a hostile work environment.
- j. Coercing sexual intercourse or assault.
- k. Using disparaging, demeaning, or sexist terms to refer to employees.
- l. Indecent exposure.
- m. Public displays of romantic or sexual affection, even consensual, including, but not limited to, kissing, full body hugs, touching, patting, wrestling, tussling, or otherwise flirting during business hours or on County property, which are offensive or uncomfortable for other employees, supervisors, or members of the public.

Any employee who uses implicit or explicit sexual behavior to control, influence, or affect the employment of an employee is engaging in sexual harassment. Any employee who makes deliberate and/or repeated offensive verbal comments or gestures, or who engages in physical contact of a sexual nature which is unwelcome in the workplace is also guilty of sexual harassment.

3. Roles and Responsibilities.

A supervisor has the responsibility to:

- a. Ensure that no employee under his or her supervision is subjected to sexual harassment, or actions which could be perceived as sexual harassment as defined in subsection "5e" above, as a result of their own actions, those of other employees, or those of third parties such as customers or contractors.
- b. Provide a working environment which is free of harassment and/or intimidation.
- c. Promptly report to the County Administrator, or his or her designee, any observed behavior that violates this policy.
- d. Make all employees aware that false accusations will result in severe disciplinary action, up to and including termination.
- e. Circulate this policy among all employees.

The County Administrator's office will ensure that the Sexual Harassment in the Workplace policy statement is posted throughout the County office buildings.

All employees are expected to conduct themselves in a manner that will ensure proper performance of County business and maintenance of public trust and confidence.

Victims have a responsibility to make it clear to the harasser, directly or through the complaint process, that such behavior is offensive and to provide notice of the harassment in a timely manner as outlined herein.

4. Complaint Procedure.

Step One. It is recommended that the employee alleging sexual harassment (the complainant) promptly report the incident to his/her immediate supervisor (if the immediate supervisor is not the accused). If the complainant is not comfortable, for whatever reason, reporting the incident to his/her immediate supervisor, the complainant may report the incident to the Human Resources Director, or to the County Administrator directly.

For the purposes of this policy, the County Administrator shall be designated as the Equal Opportunity Counselor for the County, and the Board of Supervisors (the "Board") shall be designated as the Equal Opportunity Review Board. The person informed of the alleged harassment shall be required to inform the Human Resources Director of the complaint as soon as reasonably possible, unless the complainant alleges sexual harassment by the Human Resources Director. Within ten (10) calendar days of notification of the Human Resources Director, the complainant will be interviewed by the Human Resources Director (or the County Attorney, in the absence of the Human Resource Manager) to discuss the nature of the allegations, and will be informed that in order to pursue the complaint, the complainant must file a written complaint specifically outlining the nature of the allegations. A copy of the complaint will be provided to the accused. If the complainant refuses to file a written complaint, the matter will not be investigated further, unless circumstances clearly indicate that an investigation should be undertaken. In the event that the employee alleges sexual harassment by the Human Resources Director, the County Administrator shall be notified and shall thereafter conduct any necessary investigation in accordance with the policy without the assistance of the Human Resources Director. Charges of sexual harassment against the County Administrator shall be referred directly by the Human Resources Director to the Board, as the Equal Opportunity Review Board. Upon receipt of written complaint, the Department Head, County Administrator, Human Resources Director, and County Attorney are to be notified immediately.

The County Administrator, Human Resources Director, and/or County Attorney will review the complaint, and may obtain such further information concerning the complaint as may be necessary, to determine whether an investigation is warranted. If an investigation is not warranted, the County Administrator, or the County Administrator's designee, shall notify the complainant in writing, within ten (10) calendar days of notification of the County Administrator, that no further investigation will be undertaken.

This sexual harassment policy is intended to provide an alternative to the County grievance procedure for resolution of complaints. In the event that the employee elects to pursue a complaint under this policy, the employee shall not be permitted to pursue such complaint through the County grievance procedure. In the event that the employee has previously filed an employment grievance as a result of an incident of sexual harassment, the employee shall not be permitted to pursue a complaint regarding the same incident under this procedure.

Step Two: If an investigation is warranted, the County Administrator, with the assistance of the County Attorney and the Human Resources Director, will notify the accused of such determination as soon as reasonably possible and will conduct such investigation as is deemed appropriate which will include interviews with the complainant, the victim (if not the complainant), the accused, witnesses named by the victim who have direct, personal knowledge of the offensive conduct, and others who may have relevant information. The alleged harasser will be provided a copy of the written complaint and provided an opportunity to respond in the interview process. In the event that a complaint of harassment is made against the County Administrator, the Human Resources Director shall request the Board, in its capacity as Equal Opportunity Review Board, to designate a disinterested person as Equal Opportunity Counselor to conduct the investigation of the charge.

In the event that a third party such as a contractor, citizen, or vendor is responsible for sexual harassment, the County Administrator will consult with the Human Resources Director, the County Attorney, and the department head who employs the complainant, to determine the appropriate action which should be taken.

The investigation shall include a review of the personnel files of the complainant and the accused for information potentially related to the complaint.

Step Three. After completion of the investigation, the County Administrator or other appointed Equal Opportunity Counselor shall, within ten (10) calendar days of preparing or receiving a report on the completed investigation, render a decision regarding the complaint, apprising the complainant and the accused of:

- a. The County Administrator's findings regarding the validity of the complaint.
- b. Appropriate disciplinary action taken or other relief granted, if any.
- c. Notification of the department head of the decision and any action taken or to be taken.
- d. The action taken or to be taken.

The complainant and the accused shall sign the County Administrator's decision and indicate agreement or disagreement with the decision within ten (10) calendar days of the decision. Failure to sign the report shall be deemed to be an acceptance of the findings and actions taken or proposed.

If it is determined that there is no foundation for the allegation, the complaint will not be made a part of the personnel record of the accused. Neither the complainant nor the accused will be given a copy of the County Administrator's decision. False accusations may result in severe disciplinary action, including termination.

If there is a foundation for the allegations, the determination of the action to be taken, up to and including termination, will be based on the facts on a case-by-case basis. The accused shall be given a copy of the County Administrator's decision.

Any complainant or alleged harasser aggrieved by the decision of the Equal Opportunity Counselor may request a review of the action of the Equal Opportunity Counselor by the Board, in its capacity as Equal Opportunity Review Board. On review, the Board may proceed as it deems appropriate in each particular case, including: (1) affirming the decision of the Equal Opportunity

Counselor based on the decision and investigation report, (2) taking additional evidence, (3) remanding to the Equal Opportunity Counselor for additional investigation, and/or (4) modifying the discipline, if any, within the limitations of the Plan and the law. To the extent that the Board modifies the decision of the Equal Opportunity Counselor, the Board shall make written findings supporting such modifications. The decision of the Board, upon review of the proceedings carried out in accordance with the procedures established herein, shall be final.

5. Reprisals.

No employee shall retaliate or encourage others to engage in retaliation or reprisal against any person acting in good faith who:

- a. Opposes any conduct prohibited by this policy;
- b. Complies or encourages others to comply with this policy;
- c. Files a complaint concerning any violation of this policy;
- d. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or
- e. Exercises or attempts to exercise any right conferred under this policy.

Employees who retaliate or encourage others to do so will be in violation of this policy and will receive appropriate disciplinary action.

CULPEPER COUNTY SEXUAL HARASSMENT IN THE WORKPLACE COMPLAINT FORM

EMPLOYEE NAME: _____

DEPARTMENT: _____ POSITION: _____

1. Name of person(s) committing the harassment:
2. Describe the specific nature of the harassment:
3. When did the harassment begin?
4. Has it stopped?
5. Has any employment action (demotion, failure to promote, dismissal, refusal to transfer, etc) been taken against you, or threatened, as a result of the harassment? If so, please explain:
6. Have any employment opportunities (promotion, increase in salary, potential transfers, perquisites) been offered or denied as a result of the harassment? If so, please explain:
7. Have any threats been made against you as a result of the harassment? If so, please explain:
8. List all witnesses, if any, to the harassment:
9. Have you previously reported this harassment? If so, when and to whom?

Employee Name: _____

Employee Signature: _____ Date: _____

1. Policy.

It is the policy of the Board of Supervisors to provide fair, equitable, and satisfactory working arrangements for its employees. Every effort will be made to resolve employee grievances informally with the least amount of worry and delay. However, in some cases, it becomes necessary to proceed through a formal appeal and panel review to handle thoroughly a given grievance. Accordingly, the following procedures and regulations are established for all County employees covered under the Personnel Management Plan, except those exempted in Section XD herein.

2. Definition of Grievance.

A grievance shall be a complaint or dispute of an employee relating to employment including but not necessarily limited to:

- a. disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
- b. the application of personnel policies, procedures, rules and regulations, and ordinances and statutes;
- c. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incident of fraud, abuse, or gross mismanagement;
- d. complaints of discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or gender.

3. Culpeper County government reserves the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints are not grievable under this procedure:

- a. establishment and revision of wages or salaries, position classification and/or general benefits;
- b. work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content (the measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious);
- c. the contents of personnel policies, procedures, rules and regulations, and ordinances and statutes;
- d. failure to promote (except where the employee can show established promotional policies or procedures were not followed or applied fairly);
- e. the methods, means and personnel by which work activities are to be carried on;
- f. termination, lay-off, demotion or suspension from duties because of lack of work, reduction in the work force or job abolition, except where such action affects an

employee who has been reinstated by a grievance panel in the last six months. Provided, however, in any grievance brought under the exception in this Section X(B)(2)(f), the action shall be upheld upon a showing that the County had a valid business reason for the action and notified the employee in writing prior to the effective date of the action;

- g. the hiring, promotion, transfer, assignment and retention of employees within the County government (provided such actions do not constitute disciplinary actions);
- h. the relief of employees from duties of the County government in emergencies.

4. Determination of Grievability

If some question should exist concerning the grievability of a specific problem and if the question cannot be resolved to the satisfaction of both the employee and his supervisor at the departmental level, the employee, supervisor and/or department head may make a written request to the County Administrator for a ruling on grievability. Thereafter, the County Administrator, or his designee, will make a ruling of grievability within five (5) work days, said decision to be published on the Determination of Grievability Form, so that all parties are in receipt of it on or before the 5th work day. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to the panel hearing.

Decisions of the County Administrator on the issues of grievability may be appealed to the Culpeper County circuit court for a hearing *de novo* on the issue of grievability. Proceedings for the review of the decision of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator within ten (10) calendar days after the date of receipt of the decision, giving a copy to all parties involved, so that the County Administrator is in receipt of the appeal on or before the 10th calendar day after the date of receipt by the grievant of the County Administrator's decision. Within ten (10) calendar days thereafter, the County Administrator shall transmit to the Clerk of the Court to which the appeal is taken, a copy of the decision of the County Administrator, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished the court shall also be furnished to the grievant. The failure of the County Administrator, or his designee, to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the County Administrator to transmit the record on or before a certain date. Within thirty (30) calendar days of receipt by the Clerk of such records, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decisions of the County Administrator or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth calendar day from the date of the conclusion of the hearing. The decision of the Court is final and not subject to appeal.

In any case, no complaint may be addressed beyond the top management level before grievability has been determined. Only after grievability has been determined shall a grievance be processed through the grievance panel state.

5. Coverage of Personnel.

Unless otherwise provided by law, all nonprobationary local government regular full-time and part-time employees are eligible to file grievances, except the following:

1. Appointees of Board of Supervisors, elected groups or individuals;

2. Officials and employees who by charter or other law serve at the will and pleasure of an appointing authority;
3. Deputies and executive assistants to the County Administrator or other chief administrative officer;
4. Department heads and other chief executive officers of government operations;
5. Employees whose terms of employment are limited by law;
6. Temporary, limited term and seasonal employees;
7. Law enforcement officers as defined in Chapter 10.1 (§ 2.1-116.1 et seq) of Title 2.1 whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance;

These excepted categories may be changed so as to include any or all excepted positions, at the pleasure of the Board. The County Administrator or his designee shall be responsible for maintaining an up-to-date list of affected positions.

6. Grievance Procedure.

Any employee wishing to file a grievance shall have the right to follow all the steps of this procedure as listed below with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

1. STEP 1. An employee who believes he or she has a grievance, as defined herein, and wishes to utilize this procedure shall within twenty (20) calendar days of the occurrence of the action or event causing the grievance contact his immediate supervisor for a discussion of the grievance. Said contact may be in person, by telephone or in writing, but the supervisor must be in receipt of the contact on or before the 20th calendar day. The supervisor shall within five (5) scheduled work days discuss the grievance with the employee and make a careful inquiry into the facts and circumstances of the complaint. The supervisor shall give the employee a reply within seven (7) work days following this discussion. This reply may be given orally or in writing. (In most cases in Culpeper County, the supervisor and department head are the same individual.)
2. STEP 2. If the grievance is not resolved as a result of STEP 1, or if the employee is not satisfied with the response given, or if the supervisor fails to respond within the required time frame, the employee may within (7) calendar days of the earlier of the actual date of response, or the deadline for such response, file a written grievance with his department head. Said written request must be recorded on the Grievance Complaint Form, available from the Human Resources Director, and received by the department head on or before the 7th calendar day following receipt of the supervisor's reply. If the Department Head and Supervisor are the same individual, the Grievance Complaint Form must be addressed to the County Administrator. (The Grievance Complaint Form will be used at each stage of the grievance process, up to the request for panel hearing. Responses from supervisors, department heads and the County Administrator will be noted on this form, the original of which will be in the custody of the Human Resources Director.) The employee must be sure that the written grievance is complete in all detail at this stage of the procedure. No additions, deletions or adjustments to the original grievance will be allowed or accepted at a later point in the procedure. The employee must specify what relief is expected if the grievance is upheld. Grievants, should they prevail in their grievance, shall only be entitled to the relief specifically requested. The department head will then make a separate inquiry into the complaint, confer with the employee, and inform the employee of his decision and the reasons therefore within

seven (7) calendar days following receipt of the written grievance. If the department head is the immediate supervisor, STEPS 1 and 2 are consolidated into a single step.

3. STEP 3. If the department head's response does not resolve the grievance, the employee may within five (5) work days thereafter file a written request for a hearing with the County Administrator, by completing the appropriate sections of the Grievance Complaint Form, and providing the employee's explanation of what has occurred. Said request must be received by the County Administrator on or before the 5th work day following receipt of the department head's response. A copy shall also be sent to the employee's department head. Upon receipt of the written request for a hearing and the verification that STEPS 1 and 2 have been exhausted, the County Administrator shall within five (5) work days schedule the hearing requested. He may request the presence of the department head or any other County official at the hearing; and the employee may also have a representative of his choice present including relevant witnesses. The Human Resources Director shall be responsible for insuring that a verbatim record (in writing or on recording tape) is made and maintained in his or her custody for a period of not less than 12 months. The grievant shall be entitled to a copy of this record upon payment of a reasonable fee therefor. The County Administrator shall have notified the County Personnel Committee of the hearing date and at its request, shall have discussed the grievance with them. The Administrator shall give the employee a written reply within five (5) work days after the conclusion of the hearing. A copy of the reply shall be sent to the employee's department head. If the County Administrator is the immediate supervisor or if the County Administrator exercises his right to implement the corrective action himself, STEPS 1, 2 and 3 are consolidated into a single step.
4. STEP 4. If the County Administrator's reply does not resolve the grievance, the employee may within five (5) work days thereafter request in writing to the County Administrator that his grievance be submitted to a panel hearing by submitting a written request, and obtaining and completing the appropriate section of the Appointments to Panel Form, which is available from the Human Resources Director. The written request and the form must be received by the County Administrator on or before the 5th work day following receipt of the County Administrator's decision.

In submitting this written request, it is not necessary that the employee again provide a written explanation of what has occurred as this was contained in his written request submitted at STEP 2 and 3 and is part of the record which will be made available to the grievance panel.

5. PANEL MEMBERS. A panel shall consist of three members: one member appointed by the grievant, one member appointed by the Administrator, and a third member selected by the other two members. To insure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.
6. PANEL SELECTION. The grievant shall select a panel member and notify the County within five (5) work days following the receipt of the decision that the grievance qualified for a panel hearing. The County shall select a second panel member and notify the grievant within five (5) work days following receipt of notification of the grievant's selection. The full panel

selection shall be completed within fifteen (15) work days, unless extended by the parties. However, this time limit is extended in instances where the agreement on a third panel member has not been reached. In such instances, the County shall within five (5) work days after the expiration of the original fifteen (15) work days, request the Chief Judge of the Culpeper County circuit court to select a third panel member. The third member selected shall serve as chairperson.

The County may request that an Administrative Hearing Officer be designated by the State as the third panel member in termination or retaliation cases. This Administrative Hearing Officer shall be appointed by the Executive Secretary of the Supreme Court. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary pursuant to § 9-6.14:14.1 and shall be made from the appropriate geographical region on a rotating basis. The County will bear the expense of such officer's services.

7. **PANEL HEARING DATE.** The full panel will set the date, the time and the place for the hearing, which shall be held within fifteen (15) work days following the selection of the full panel. The panel chairperson shall immediately notify the grievant and the County of the hearing date.

The employee may have present at the hearing a representative or legal counsel at his own expense. Copies of the written record in the case from STEP 1 and 2 shall be provided the panel members by the County.

The conduct of the hearing shall be as follows:

- Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures.
- Prior to the hearing, the County will provide the panel with copies of the grievance record, and provide the grievant with a list of the documents furnished to the panel, and the grievant and his attorney, at least fourteen (14) calendar days prior to the scheduled hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
- Documents, exhibits and lists of witnesses shall be exchanged between the parties at least ten (10) calendar days in advance of the hearing, with rebuttal documents, exhibits and lists of witnesses exchanged at least seven (7) calendar days in advance of the hearing. Any objections to documents, exhibits, or witnesses shall be made in writing to the panel at least three (3) calendar days in advance of the hearing. Any documents, exhibits or witnesses not exchanged as provided herein shall be excluded from consideration of the panel.
- The panel has the authority to limit attendance at the hearing to persons having a direct interest in the case, and shall upon request of either party, conduct the hearing in private.
- The panel shall at the beginning of the hearing ask for opening statements clarifying the issues involved. The County shall speak first and the Grievant second, unless the County's representative agrees to waive this privilege.
- The County and the employee, through their representatives, shall present their claims and proofs and witnesses who shall submit to questions or other examination. The

County presents its case first, and the grievant presents its case second. Each shall have the opportunity for rebuttal testimony. The panel may at its discretion, vary this procedure but shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs. The order of closing statements shall be the County first, the grievant second, with the County's rebuttal last, unless the County's representative agrees to waive this privilege.

- Exhibits, when offered, may be received as evidence by the panel, and when so received shall be marked and made a part of the record. The panel will decide on admissibility of evidence without regard to the burden of proof.
- The parties may offer evidence and shall provide such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties, except by mutual consent of the parties.
- All testimony heard by the panel shall be under oath.
- The majority decision of the panel acting within the scope of its authority shall be final and binding, and shall be subject to existing policies, procedures and law. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the County Administrator or his or her designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney for Culpeper County.
- Either party may petition the court for an order requiring the implementation of the decision of the panel.
- The panel will render its decision within five (5) work days of the close of the hearing. Decisions shall be rendered on the Decision of the Grievance Panel Form provided and published to all parties so that receipt occurs on or before the 5th working day following the close of the proceeding.

7. Failure to Comply with Procedural Requirements.

After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator. (§ 15.1-7.2(7)(a) of the Code of Virginia, as amended.)

The County Administrator, or his designee, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator, or his designee, shall determine compliance issues. Compliance determinations made by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court within thirty (30) calendar days of the compliance determination. (§ 15.1-7.2(7)(b) of the Code of Virginia, as amended.)

8. Special Grievance Rights of Employee Reinstated by a Grievance Panel.

An employee who has been reinstated by a grievance panel may grieve a termination, layoff, demotion or suspension from duties because of lack of work, reduction in job force or job abolition that occurs within six (6) months of reinstatement. Such action by the County would be upheld by a panel upon a showing by the County that there was a valid business reason for the action and that the employee was notified of such reason in writing prior to the effective date of the action. (§ 15.1-7.2(2)(vi) of the Code of Virginia, SB 529).

County of Culpeper GRIEVANCE COMPLAINT FORM

GRIEVANCE NUMBER:
(Assigned by Human Resources Manager)

GRIEVANT NAME: _____

POSITION/DEPARTMENT _____

Received by: _____

Date/Time Received: _____

1. Date Event /condition giving rise to the grievance occurred:
2. Nature of Grievance (Use additional paper if necessary):
3. Specific Relief Requested (Only those reliefs specifically requested may be granted if grievant prevails in the process):

[NOTE: Failure to comply with the substantive procedural requirements of the Grievance Procedure may cause Grievance to be terminated with decision in favor of opposing party.]

FIRST STEP

IMMEDIATE SUPERVISOR LEVEL

DATE RECEIVED: _____

Response to be filled out by Immediate Supervisor as to what action was taken:

Immediate Supervisor's Signature: _____ Date _____

Grievant Indicates if Immediate Supervisors' Response is: Acceptable: _____ Unacceptable _____
If the Immediate Supervisor's response is checked as *unacceptable*, you may proceed to the Second Step: Department Head. If the Department Head and Immediate Supervisor are the same person, and you wish to proceed, check the line below, and proceed directly to the Third Step: County Administrator.

_____ Immediate Supervisor is the Department Head; please schedule hearing with the County Administrator.

Grievant Signature: _____

Date _____

SECOND STEP**DEPARTMENT HEAD RESPONSE****DATE RECEIVED** _____

Response from Department Head as to What Action was Taken:

Department Head Signature: _____ Date: _____

Grievant Indicates if Department Head's Response is : Acceptable _____ Unacceptable _____

If *Unacceptable* is checked, you may indicate below by checkmark if you wish to proceed to Third Step.

_____ Please schedule hearing with the County Administrator.

Grievant Signature: _____ Date: _____

THIRD STEP**HEARING WITH COUNTY ADMINISTRATOR****DATE RECEIVED:** _____

Date of Hearing with County Administrator:

Response from County Administrator as to What Action was Taken:

County Administrator's Signature _____ Date: _____

Grievant Indicates if County Administrator's Response is : Acceptable _____ Unacceptable _____

Grievant Signature: _____ Date: _____

FOURTH STEP:**GRIEVANCE PANEL HEARING**

If a hearing before a grievance panel is desired, the grievant must submit a written request and shall obtain and complete the Grievant Section of the Appointments to Grievance Panel Form, which may be obtained from the Human Resources Manager. If no hearing is desired, grievant will return this signed form to the Human Resources Manager, retaining a copy for personal records, to close the grievance file.

**CULPEPER COUNTY, VIRGINIA
APPOINTMENTS TO GRIEVANCE PANEL FORM**

Grievance Number: _____

Date form requested: _____

1st Member (Grievant Appointee):

I hereby name _____ to be my appointed member to the Grievance Panel established to hear my grievance. He/she may be contacted at (address/phone number):

Grievant Signature: _____

Date: _____

2nd Member (County Appointee):

I hereby name _____ to be my appointed member to the Grievance Panel established to hear my grievance. He/she may be contacted at (address/phone number):

County Administrator Signature: _____

Date: _____

3rd Member (Mutually agreed upon or chosen by Circuit Court pursuant to Section 10(B)(6) of the Personnel Management Plan)

_____ is hereby selected to serve as the third member of the Grievance Panel established to hear this grievance. He/she may be contacted at (address/phone number):

Grievants' Appointee Signature: _____

Date: _____

County's Appointee Signature: _____

Date: _____

[NOTE: Failure to comply with the substantive procedural requirements of the Grievance Procedures may cause Grievance to be terminated.]

**CULPEPER COUNTY, VIRGINIA
DECISION OF GRIEVANCE PANEL FORM**

Grievance Number: _____ Date of Decision:_____

Date(s) of Hearing:_____ Place of Hearing:_____

Summary of Grievance (Use additional paper if necessary):

Summary of Evidence:

Findings of Fact:

Decision of Panel with supporting reasons:

Remedy or relief granted:

These members concur in the above stated decision:

This member dissents from the above stated decision:

CULPEPER COUNTY, VIRGINIA
LIST OF POSITIONS EXEMPTED UNDER
§15.2-1507(A)(3) OF THE VIRGINIA CODE
and
SECTION X(D) OF THE PERSONNEL MANAGEMENT PLAN
for
GRIEVANCE PROCEDURES

Maintenance Technicians Supervisor
Building Official
County Administrator
County Attorney
Director of Animal Services/Animal Control Officer
Deputy Animal Control Officer
Director of Technology and Applications
E911 Joint Dispatch Center Director
Economic Development Director
Emergency Services Coordinator
Environmental Services Director
Executive Secretary to County Administrator
Finance and Management Services Director
Human Resources Manager
Parks and Recreation Director
Planning and Zoning Director
Temporary, limited term or seasonal positions

1. **Objective.** It is the policy of the County of Culpeper to maintain personnel records for applicants, employees and former employees in order to document employment-related decisions, evaluate and assess policies, and comply with governmental record keeping and reporting requirements.
2. **Collection of Personnel Information -- County's Responsibility.** The County strives to balance its needs to obtain, use and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary for the conduct of its business or which is required by federal, state or local law.
3. **Recordkeeping.** The County Administrator's office is responsible for overseeing the record keeping for all personnel information, and will specify what information should be collected and how it should be stored and secured.
4. **Collection of Information -- Employees' Responsibility.** Employees have a responsibility to make sure their personnel records are up to date and should notify the County Administrator's office in writing of any changes in at least the following:

- Name;
- Address;
- Telephone number;
- Marital Status (for benefits and tax withholding purposes only);
- Number of dependents;
- Addresses and telephone numbers of dependents or spouse or former spouse (for insurance purposes only);
- Beneficiary designations for any of the County's insurance programs; and
- Persons to be notified in case of emergency.

In addition, employees who have changes in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes within ten days of the change, if the change results in a decrease in the number of dependents.

5. **Inspection of Personnel Records -- Generally.** Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. Such an inspection must be approved by the County Administrator's office and should be recorded in the file inspected.
6. **Inspection of Personnel Records by Employees.** Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Such an inspection must be requested in writing to the County Administrator's office, and will be scheduled at a mutually convenient time. Records deemed to contain sensitive or confidential county plans or information may be excluded from the inspection, and all inspections must be conducted in the presence of a designated member of the County Administrator's staff. A reasonable charge, no to exceed the actual cost to the County, may be made for any copies of records made by the employee.
7. **Incomplete, Inaccurate or Irrelevant Information.** Employees who feel that any file material is incomplete, inaccurate, or irrelevant may submit a written request to the County Administrator's office that the files be revised accordingly. If such a request is not granted, the employee may place a written statement of disagreement in the file and pursue the matter further using the regular grievance procedure.
8. **Requests for Personnel Information by Outside Sources.** Employees are to refer all requests from

outside the County for personnel information concerning applicants, employees and past employees to the County Administrator's office. The County Administrator's office will normally release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety and medical officials who have a need to know specific employee information. In addition, exceptions may be made to release limited general information such as employment dates; position held, and location of job site.

9. Retention of Records. A number of federal and state statutes and implementing regulations require employers to retain certain employee personnel records for specific periods of time. These statutes may be amended from time to time, so a comprehensive listing shall not be included as part of this document; however, enclosed is a loose-leaf listing of these statutes and implementing regulations as they pertain to records retention as of December, 1992. This enclosure may be updated from time to time as statutes and regulations are amended.

10. RECORDS RETENTION GUIDELINES UNDER VARIOUS STATUTES AND ORDERS

Under Title VII of the Civil Rights Act of 1964 ("Title VII"), which applies to employers with 15 or more employees, 42 USC § 2000e(b) and the Americans with Disabilities Act, which applies to employers with 15 or more employees, 42 USC § 12111(5) personnel or employment records made or kept in the normal course of business must be kept for one year from the date of the making of the record or the personnel action involved, whichever is later. 29 CFR § 1602.14. Such records include any employment records relating to job applicants, hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship. Records of racial or ethnic identity used to complete Form EEO-4 should be kept separate from basic personnel records. 29 CFR § 1602.13. When a charge of discrimination has been filed, the employer must retain all personnel records relevant to the charge (including, for instance, the records of similarly situated employees with whom the charging party could be compared.) until final disposition of the charge. 29 CFR § 1602.14

Under the Age Discrimination in Employment Act of 1967 ("ADEA"), which applies to employers with 20 or more employees, 29 USC § 630(b) payroll records must be retained for three years. 29 CFR § 1627.3(a). Employment records dealing with applications, physical examinations, advertisements for openings, job orders, promotions, transfers, and so forth must be retained for one year from the date of the personnel action. 29 CFR § 1627.3(b)(1). Employee benefit plans, seniority systems, and merit systems must be retained for one year after termination of the plan or system. 29 CFR § 1627(b)(2). As with Title VII, once an ADEA enforcement action is brought, all records relevant to the action must be retained until final disposition of the action. 29 CFR § 1627.3 (b).

Under Executive Order 11246, employers with 50 or more employees and federal contracts of \$50,000 or more must maintain written affirmative action compliance programs regarding the utilization of minorities and women. 41 CFR §§ 50-1.40 and 60-2.10. Although the order does not specify how long the programs should be kept on file, employers may want to maintain copies of their programs and any records relating to the programs for at least one year following the completion of their contract in case any question should arise concerning the programs.

Under the Rehabilitation Act of 1973, which covers employers with federal contracts of \$2,500 or more or that receive federal financial assistance, employment records relating to handicapped applicants and employees (including records relating to job applicants, hiring promotions, training programs, transfers, accommodations, disciplinary actions, layoffs, compensation, and terminations) and records regarding complaints relating to the Act's requirements and any actions taken in response to the complaints must be retained for one year. 41 CFR § 60-741.52(a). In addition, employers with federal contracts of \$50,000 or more and 50 or more employees must maintain written affirmative action compliance programs regarding the utilization of handicapped individuals. 41 CFR § 70-741.5. Although the Act does not specify how long the programs should be kept on file, employers may want to maintain copies of their programs and any records relating to the programs for at least a year following the completion of their contract in case any question should arise concerning the programs.

Under the Vietnam Era Veterans' Readjustment Act of 1974, which applies to employers with federal contracts of \$10,000 or more, 38 USC § 4212 employment records relating to applicants and employees who are qualified disabled veterans and veterans of the Vietnam era (including records relating to job applicants, hiring, promotions, training programs, transfers, accommodations, disciplinary actions, layoffs, compensation, and terminations) and records regarding complaints relating to the Act's requirements and any actions taken in response to the complaints must be

retained for one year. 41 CFR § 60-250.52(a). In addition, employers with federal contracts of \$50,000 or more and 50 or more employees must maintain written affirmative action compliance programs regarding the utilization of qualified disabled veterans and veterans of the Vietnam era. 41 CFR § 60-250.5 Although the Act does not specify how long the programs should be kept on file, employers may want to maintain copies of their programs and any records relating to the programs for at least one year following the completion of their contract in case any question should arise concerning the programs.

Under the Fair Labor Standards Act of 1938, which applies to all employers with employees who are engaged in commerce or the production of goods for commerce, 29 USC § 202, payroll records must be retained for three years from the last date of entry. 29 CFR § 516.5(A) Collective bargaining agreements and employment contracts must be retained for three years from the last effective date. 29CFR § 516.5(b)

Under the Equal Pay Act of 1963, which applies to all employers engaged in commerce or in the production of goods for commerce, 29 USC § 202, the record retention requirements are the same as under the Fair Labor Standards Act. 29 CFR § 1620.32(a). In addition, employers must retain for three (3) years records which explain the basis for payments of any wage differential to employees of the opposite sex in the same establishment and which may be pertinent to a determination of whether such differential is based on a factor other than sex. 29 CFR § 1620.32(c).

Under the Immigration Reform and Control Act, which applies to all employers, employers must retain each employee's I-9 form (verifying employment eligibility) for three years from the date of hire or one year from the employee's termination, whichever is later. 8 CFR § 274a.2(b)(2)(i). Copies of the I-9 form can be obtained by contacting the state district offices of the Immigration and Naturalization Service ("INS") or by writing the Superintendent of Documents, Washington, DC 20402.

Under the Occupational Safety and Health Act, 29 USC § 651 et seq, employers with 10 or more employees must retain medical records of employees exposed to toxic substances for at least the duration of employment plus 30 years (separately maintained health insurance records need not be retained). 29 CFR § 1910.20(d)(1)(i) Employee exposure records must be retained for at least 30 years. Analyses using exposure or medical records must also be retained for at least 30 years. 29 CFR § 1910-20(d)(1)(ii). In addition, employers must maintain records of reports of employee job-related illnesses and injuries which result in medical treatment (other than basic first-aid), loss of consciousness, restriction of movement, lost workdays, transfer, restriction of work, termination or fatalities. (OSHA Form 200) and supplementary records with additional, detailed information concerning the reported illnesses and injuries (OSHA Form 101) for five years following the end of the year to which they relate. 29CFR §§ 1904.2, 1904.6.

Under the Employee Retirement Income Security Act ("ERISA"), employers whose benefit plans are covered by the substantive provisions of ERISA must keep records which support and/or verify any plan descriptions, annual reports, summary plan description and any material modifications of the plan that they are required to file with the Department of Labor. 29 USC §1059 In addition, employers must keep records that identify current employees who participate in the plan, and terminated employees who should receive benefits under the plan, for the purposes of determining what benefits are due and for what time period. 29 USC § 1059(a)(1). Records pertaining to the plan descriptions and reports must be kept for at least six years after the filing date of the reports or descriptions they reflect. 29 USC § 1027. ERISA does not specify how long records relating to employees and their benefits must be kept.

Under the Federal Insurance Contribution Act ("FICA"), which applies to any employer who uses the

services of an employee within the United States or the services of a United States citizen outside of the United States, employers must retain records of all wages paid to their employees for at least four years from the later of either the date the tax was due or the date the tax was paid. 26 CFR § 31.6001-1(e) These records should include the following information concerning each employee: name, social security number, address, total amount of wages paid in each pay period, the period of service covered by each pay period, date of each payment, the portion of the payment subject to FICA taxation, the amount of the employee's tax contribution and the date it was withheld or collected from the payment, and any explanation for any difference between the amount of tax collected and the amount owed. 26 CFR § 31.6001-2(a).

Under the Federal Unemployment Tax Act ("FUTA"), which applies to employers with one or more employees or that have a payroll of \$1,500 or more in a calendar quarter, 26 USC § 3306, employers must maintain records of wage payments to each employee for at least four years from the later of either the date the tax was due or the date the tax was paid. These records should include the following information concerning each employee: (i) total amount of wage payments to the employee; (ii) the amount of the payments taxable under FUTA; (iii) the amount contributed to state unemployment insurance funds, including amounts deducted from the employee's pay; (iv) all information required on the prescribed tax return and the extent to tax liability; (v) any difference between total wage payments to an employee and wage payments taxable under FUTA; and (vi) if material to tax liability, dates of services and amount of cash remuneration paid for services not in the course of the employee's trade or business. 26 CFR § 31.6001-4(a).

Under the interim regulations issued to clarify the Family and Medical Leave Act of 1993 ("FMLA"), employers with 50 or more employees 29 USC § 2611, must keep records pertaining to their obligations under the FMLA. Such records must be maintained in accordance with the recordkeeping requirements of the Fair Labor Standards Act ("FLSA"). Accordingly, covered employers must keep for at least three years the basic payroll records required by the FLSA as well as records which include the following information: dates that FMLA leave is taken by employee; hours of FMLA leave (if leave taken is less than a full day) copies of employee notification to the employer of need for FMLA leave; copies of employer notices regarding employees' rights and obligations when taking FLMA leave; copies of employer policies and practices describing benefits and leaves; premium payments of employee benefits; and documents relating to any disputes regarding designation of leave as FMLA leave. All records relating to medical information, such as medical certifications, recertifications, and medical histories, must be maintained in separate, confidential medical records. 29 CFR § 825.500.

Purpose

It is the County's objective to establish uniform policies by which employees are permitted to take time off from work.

Scope

This policy applies to all employees.

ProceduresApproval of Leave

2. Employees should request leave no later than two (2) days before the commencement of leave using a leave request form, whether time off is with or without pay, and should receive the Department Head's or designee's approval before taking leave.
3. As long as an agency's operations are not seriously adversely affected, a Department Head or designee should attempt to approve an employee's request for leave. If the time requested conflicts with the department's operations, the Department Head has the discretion to approve the employee's request for an alternate time.
4. If an employee could not have anticipated the need for leave, he must notify his Department Head or designee and request approval for the leave as soon as possible. Notification must be made as soon as the need for leave is apparent.
5. A Department Head or designee may require written documentation for leave in excess of three (3) days, whether time off is consecutive or intermittent, if the leave is related to the same illness.
6. An employee who is absent from duty without approval of his Department Head or designee shall receive no pay for the duration of the absence and shall be subject to disciplinary action as described in the Standards of Conduct section. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

Annual Leave

1. Full time regular employees will accrue leave in accordance with the following schedule:

Less than five (5) years of service	12 hours per month
Five (5) but less than fifteen (15) years of service	16 hours per month
Fifteen (15) or more years of service	20 hours per month
2. Employees must be on a paid status for a least half of the month to accrue leave for that month; employees who are on a paid status for less than half of the month do not accrue leave in that month.
3. Employees are eligible to accrue up to 720 hours of annual leave. Once the 720 hours figure is reached, annual leave will no longer accumulate, but, will be lost, until sufficient leave is taken to bring the employees accumulated balance below the maximum allowable amount.

Bereavement Leave.

1. Bereavement leave is defined as an approved employee absence during regularly scheduled work hours due to the death of a member of the employee's immediate family. For the purposes of bereavement leave, an employee's immediate family shall be defined as the employee's:

spouse; children, including step-children and foster children; parents, including step-parents; parents-in-law; grandparents; grandparents-in-law; sons-in-law; daughters-in-law; grandchildren; brothers, including step-brothers; brothers-in-law; sisters, including step-sisters; sisters-in-law; any relative, either by blood or marriage, living in the employee's household.

2. For any one incident, bereavement leave shall be limited to three (3) consecutive days for any regular full time employee and shall be taken within a reasonable time frame after the death of the immediate family member.

Civil Leave (Jury Duty)

1. A regular full time employee shall be given time off without charge to other leave or decrease of pay when performing jury duty; when subpoenaed as a witness on County business, or in a proceeding in which the employee is not a party. The period of such leave shall be only as necessary for the performance of the activity, plus the necessary travel time.

Compensatory (Comp) Leave

1. The County desires that each employee request to use accrued comp time within a reasonable time. The County defines a reasonable time to be not more than 60 days from the date the compensatory time is earned.
2. Any request by an employee within a reasonable time to use compensatory leave, shall be granted by the appropriate supervisor unless, leave would unduly disrupt the operations of the department.
3. Should an employee accrue, but not request compensatory leave under these circumstances, the appropriate supervisor, in their sole discretion, may require the employee to take compensatory leave. Since compensatory time is accrued at one and one-half the regular rate of pay, compensatory leave that remains on the books for 60 days may be paid out at the regular rate of pay.
4. Compensatory time shall be exhausted before annual leave is utilized.
5. Employees who are not engaged in public safety activities shall not accrue more than 240 compensatory hours. Since compensatory time is accrued at one and one-half the regular rate of pay, compensatory leave accrued in excess of 240 hours shall be paid out to the employee at their regular rate of pay.
6. Employees who are engaged in public safety activities shall not accrue more than 480 compensatory hours. Since compensatory time is accrued at one and one-half the regular rate of pay, compensatory leave accrued in excess of 480 hours shall be paid out to the employee at their regular rate of pay.

Family Medical Leave

1. FMLA requires covered employers to provide up to twelve (12) weeks of job-protected leave to eligible employees to care for themselves or for an immediate family member who has been diagnosed with a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - a. Inpatient care, a period of incapacity of more than three (3) consecutive calendar days
 - b. Pregnancy or prenatal care
 - c. Chronic condition requiring multiple or continuing treatment, permanent/long term conditions requiring medical supervision

- d. Any period of absence to receive multiple treatments.
2. Employees are eligible for FMLA if they have been employed with the County for at least one year, and worked 1,250 hours in the previous 12 months.
3. Requests for FMLA must be submitted thirty (30) calendar days in advance when the necessity for leave is foreseeable. To the greatest extent possible, if the necessity for leave is unforeseeable, an employee must request FMLA as soon as practicable. Foreseeable leave should be scheduled so as to minimize disruption to the department's operations.
4. The employee shall be required to provide medical certification from a health care provider in connection with a request for medical leave. Additionally, an employee may be required to provide medical documentation concerning the continuing necessity for leave as well as a fitness for duty report to be able to return to work.
5. FMLA may be taken on an intermittent or reduced schedule basis if certified as necessary by the health care provider, and scheduled, if possible, to minimize disruption to the department's operations. All leave designated as FMLA by the employee or employer shall be counted toward the twelve (12) weeks of job protected leave.
6. An employee may elect to use accrued leave while on FMLA or take leave without pay. It is the responsibility of the Department Head or designee to track FMLA usage.
7. For the duration of FMLA, the County will maintain the employee's coverage under the group health insurance, and employee is responsible for paying the employee's portion of the health insurance premium.
8. No employee shall be prevented from returning to work prior to the expiration of the twelve (12) week period. Requests for leave beyond the twelve weeks are subject to regular leave policies with approval determined by the Department head or designee.

Long Term Disability (LTD)

Long Term Disability coverage is available to full time employees through a voluntary program. Employees must elect to participate in and agree to payroll deductions to pay for the program to receive a benefit.

1. Full Time employees may request long term disability in the event he is disabled beyond the short term disability maximum benefit period. A person is disabled if, as a result of physical disease, injury, pregnancy, mental disorder:
 - a. Is unable to perform the duties of the position or any position
 - b. Suffer a loss of at least 20% of your predisability earnings
2. Provides basic income protection once an employee reaches the short term disability maximum benefit eligibility period and will provide protection until employee is able to return to work or reaches retirement age.

Please see the Summary Plan Description or contact the Human Resources Department for more detailed information.

Military Training Leave

1. A regular full time employee who is a member of a reserve force of the United States or the

Commonwealth of Virginia and who is ordered by the appropriate authorities *to attend a training program or who is called to emergency duty shall be granted a leave of absence without charge to his personal leave account.* Such leave is not to exceed 15 consecutive calendar days within a calendar year for training and five working days for emergency duty.

2. If the employee's military pay is less than what would have been received by the County the difference shall be paid by the County. If the military pay is greater than the County pay, the County will provide no payment during the period of Military Training leave.
3. An employee who voluntarily or involuntarily leaves employment to undertake military service or certain types of service in the National Disaster Medical System may be re-employed and have health insurance protection in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Please see USERRA for more information.

On the job injury

1. In accordance with Section 65.2-509 of the Virginia Workers' Compensation Act, no compensation shall be allowed for the first seven (7) calendar days (including Saturday, Sunday, holidays and does not need to be consecutive) of incapacity resulting from a job related injury or illness.
2. During this seven (7) day period, the employee may use accrued annual, sick, or compensatory leave. If the employee has no leave balance, the employee will be placed in a leave without pay status for the seven (7) day period.
3. If the incapacity extends beyond the initial seven (7) day period, Workers' Compensation benefits (compensation) shall commence with the eighth (8th) day of disability. If such incapacity continues for a period of more than twenty-one (21) calendar days, not including the day of injury, compensation shall be allowed from the first day of such incapacity.
4. Workers' Compensation benefits are provided at the rate of sixty-six and two-thirds (66-2/3) of the average weekly, pre-tax wage of the employee, subject to weekly maximums as approved by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.
5. Employees may supplement the workers' compensation benefit by thirty-three and one-third (33-1/3) using accrued annual, sick or compensatory leave. This supplement will continue until the lesser of the following:
 - The injured employee's accrued annual, sick or compensatory leave is depleted.
 - Six months (See Section H. Six month Limitation of the Workers Compensation Policy)

Short Term Disability (STD)

1. Full Time employees may request short term disability in the event he becomes disabled if, as a result of physical disease, injury, pregnancy, mental disorder:
 - a. Are unable to perform the duties of the position
 - b. Suffer a loss of at least 20% of your predisability earnings
2. Provides basic income protection while disabled for a period of up to ninety days. A fifteen (15) calendar day waiting period must be met before STD benefits become payable.

Please see the Summary Plan Description or contact the Human Resources Department for more detailed information.

Policy. It is the policy of Culpeper County to comply with all federal, state and local regulations regarding smoking in the workplace and to provide a work environment which promotes productivity and the well-being of its employees.

Ordinance. On August 2, 1994, the Board of Supervisors enacted an ordinance regulating smoking in County Owned or Leased Buildings. This ordinance was enacted in an effort to clarify, in accordance with the Virginia Indoor Clean Air Act, the smoking and non-smoking areas in the Culpeper County Courthouse, the Old Post Office building (which was being renovated, and has since been completed, into office space for administrative employees) and any and all other buildings owned or leased by the Culpeper County Board of Supervisors.

Section 1. Areas Where Smoking is Prohibited in County Owned or Leased Buildings.: Subject to the authority of the judges to control use of the Courthouse during the terms of their courts, smoking of any tobacco product is prohibited in the following places owned or leased by the Culpeper County Board of Supervisors:

- 1.) All elevators;
- 2) All polling rooms;
- 3) All indoor service lines and cashier lines, including but not limited to :
 - a) Those portions of the Circuit Court Clerk's office which are entered by the general public in the normal course of business.
 - b) those portions of the Commissioner of Revenue's office which are entered by the general public in the normal course of business;
 - c) those portions of the Treasurer's office which are entered by the general public in the normal course of business;
 - d) those portions of the Department of Planning and Development and Building Inspections offices which are entered by the general public in the normal course of business [these departments have since moved out of the Courthouse and into the Old Post Office building]
 - e) those portions of the Combined District and Juvenile Court Clerk's office and waiting area entered by the general public in the normal course of business.
 - f) those portions of the Juvenile Probation office entered by the general public in the normal course of business;

- g) those portions of the Land Use office entered by the general public in the normal course of business [this office is now located in the Commissioner of Revenue's office]
- h) those portions of the Crime Victims Assistance Program office entered by the general public in the normal course of business.
- 4) All hallways on all floors of the Culpeper County Courthouse
- 5) The following public meeting rooms:
 - a) all courtrooms;
 - b) the Board of Supervisors' public meeting room.
- 6) The following public places:
 - a) The Public Law Library
 - b) All hallways, stairwells and entrance areas of all County owned or leased buildings.
- 7) All other areas of the County owned or leased buildings which are entered by the general public in the normal course of business.

Section 2. Areas Where Smoking May be Permitted in County owned or Leased Buildings: Smoking shall be permitted in private work spaces not entered by the general public in the normal course of business unless the entire building is declared non-smoking by a majority vote of all affected employees voting; an employee vote in each building shall be conducted by the County Administrator within 30 days of the effective date of this ordinance.

[This vote was taken and all County owned and leased buildings voted to be entirely smoke-free].

If a majority of the employees who vote on the smoking issue in any one building elect for that building in which they work to be a smoke-free building, the County Administrator may designate one room within the building as a designated smoking area or lounge. The designated smoking area or lounge shall be separate to the extent reasonably practicable from the non-smoking areas, shall be ventilated, shall use existing physical barriers to minimize the permeation of smoke into non-smoking areas without requiring physical modifications or alterations to the structure, and shall otherwise comply with the requirements of Virginia Code §15.1-291.3.

Section 4. Penalty for Violating Ordinance. No person shall smoke in an area designated as non-smoking and any person who continues to smoke in a no-smoking area after being asked to refrain from doing so shall be subject to a civil penalty of not more than twenty-five (\$25) dollars.

Expectations of Employees. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers as regards the smoking policy. However, smokers have a special obligation to keep smoking areas litter-free and to not abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible, but may be processed through the County grievance procedure.

Purpose. The County recognizes that there will be occasions when employees will have to travel on County business, and does not wish to have these trips be a financial burden to employees. Therefore, the County will reimburse reasonable expenses according to the guidelines published herein.

Reimbursable expenses. When a meeting, conference, seminar, court proceeding or training course makes it necessary to travel to a location out of Culpeper County, hotel rooms, mileage or air travel, and meal expenses are reimbursable, subject to the guidelines published herein. All travel must receive the prior written authorization of the department head and either the County Administrator or the Finance Director. Receipts are required for any item submitted for reimbursement.

Hotel bills. In most instances, meetings and/or seminars are held sufficiently nearby to render overnight stays in hotels unnecessary. Overnight stays will not be approved for meetings occurring in Charlottesville, Fredericksburg, Northern Virginia or any other location within an hour's drive from Culpeper County. For those meetings, seminars, court proceedings or training courses which are of a sufficient distance or schedule to make commuting to them difficult or impossible, expenses for a modestly priced hotel room will be reimbursed. "Reasonable" and "modestly priced" are definitions which vary with the city in which the event is being held. Reservations must be approved by the Finance Department or County Administrator in advance of departure for the event. Whenever possible, every effort should be made to secure a corporate rate. The County will only reimburse expenses for room and room tax. One brief telephone call (five minutes or less) to the employee's residence will be reimbursed in addition to any calls made to the office for message retrieval, etc. No expenses for pay-per-view movies or telephone calls to numbers other than the employee's residence or office will be approved for reimbursement. Room service expenses must be in accordance with the restrictions outlined in the "meals" section to follow.

Meals. When an employee is present in his office at the beginning and the end of his normal shift, but County business takes him out of the County during the course of the day, including the normal lunch hour, no reimbursement will be made for lunch unless a "Dutch treat" lunch is part of the meeting being attended. The maximum amounts per meal, including gratuity, are delineated below:

Breakfast	\$6.00	Lunch	\$8.00	Dinner	\$16.00
-----------	--------	-------	--------	--------	---------

If part of an overnight stay for which hotel expenses are being reimbursed, the total for all three meals may not exceed \$30 for the day. In that case, individual meals may not be subject to rigid adherence to the above restrictions, as long as the aggregate for the day is \$30 or less. No expenses for alcohol will be reimbursed. Maximum gratuity amount is 15% and must be part of the total bill being reimbursed.

Mileage. The County reimburses mileage when employees are forced to use their own vehicles for County business. The rate used for this reimbursement is the same rate used for Federal income tax deduction purposes. The current rate for mileage reimbursement may be obtained from the Finance Department.

Airline travel. It will be an extremely rare occurrence when air travel is necessary for employee travel. However, the maximum reimbursement amount is coach fare. All efforts must be made to secure the most economical option available for air travel in coach. All air travel must be approved in advance by the Finance Director or the County Administrator.

Filing for reimbursement. Forms may be obtained from the Finance Department for use in requesting reimbursement for qualified expenses.

Purpose and Intent: Culpeper County provides a computer system, including access to the Internet, for the purpose of facilitating resources sharing, innovation and communication. The County intends that the computer system be used 1) for the purposes of work, communication or research consistent with the County's objectives; 2) for legitimate County business; and 3) consistent with the mission or administrative function of the County.

All users of Culpeper County's computer system have the responsibility to use this system in a considerate, ethical and lawful manner. The purpose of this policy is to set forth the standards to which users must adhere in their use of the County's computer system. Employees who are authorized to use the computer system shall not be entitled to an expectation of privacy in the use of the system, and use shall be subject to monitoring by management at any time without notice or suspicion of wrongdoing.

Definitions For purposes of this policy, the term "computer system" includes hardware, software, data communication lines and devices, terminals, printers, CD-ROM devices, tape drives, servers, mainframe and personal computers, the Internet and other internal or external networks.

For purposes of this policy, the term "account" shall mean the authorization to access computers or networks owned, leased or maintained by the County or accessed utilizing County assets.

Governing Principles. The County has chosen to govern the use of Culpeper County's computer system through the establishment of this policy. The County's computer system is not a public forum. Violations of any of the provisions of this policy may result in disciplinary action, including but not limited to, the following: loss of accounts, loss of access, suspension or termination of employment, and/or legal action.

1. **USE OF ACCOUNTS** The County considers all accounts established by it as property of Culpeper County. The County authorizes the use of the accounts for specific purposes. Since accounts have real value, attempts to circumvent the account or system, to use the accounts of others without authorization, or to use accounts for other than their intended purposes are all forms of theft or misappropriation of public resources and shall be deemed a violation of this policy. An authorized user of an account may not use the account for personal gain, disclose the password, or otherwise make the account available to others who have not been authorized to use the account.
2. **INTEGRITY OF THE NETWORK AND OPERATING SYSTEM.** Users shall not utilize programs that harass other users of the facility, infiltrate the system and/or damage the software or hardware components of the system. Since all users depend on the availability and integrity of the system, defects discovered in system accounting or system security shall be reported to the appropriate system administrator so that steps can be taken to investigate and solve the problem. Use of the electronic communication facilities to send fraudulent, harassing, obscene, indecent, profane, threatening, or intimidating messages is prohibited. Use of the electronic communications facilities to receive, review, or download obscene, indecent profane or illegal messages or materials is prohibited. Intentional damage to the system is prohibited.
3. **PRIVACY OF OTHER USERS.** Users shall not intentionally seek or provide information on, obtain copies of, or modify data files or programs belonging to other users without appropriate authorization. Attempts to gain unauthorized access to information of others without their permission will be treated as a violation of this policy. Unauthorized searching

4. through directories to find unprotected information likewise is a violation. System Administrators will respect the privacy of accounts. Users, when requested, shall cooperate with the system administrators in investigations of system abuse.
5. **USE OF FACILITIES AND EQUIPMENT.** Each network site has rules and regulations that govern the use of equipment and facilities at that site. Violation of facility rules and regulations shall be deemed a violation of this policy. Each site has operators, consultants, and/or supervisors who have been given the responsibility to supervise the use of that site. Users shall cooperate with site supervisors at all times.

Administration and Enforcement The County's computer system is not a public forum.

Any communication or materials located on, disseminated through or used in conjunction with the computer system, including electronic mail or other files deleted from a user's account, may be monitored or read by County officials.

Use of the computer system for research and communication purposes is a privilege, not a right. Administrators, supervisory personnel, department heads, and other employees may be required to meet qualifications for use of the computer system for continued employment.

The failure of any employee to follow the terms of this policy or any accompanying regulation may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

Culpeper County is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, Culpeper County will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

All use of Culpeper County's computer system shall be consistent with the County's goal of promoting excellence by facilitating resource sharing, innovation and communication.

Authorization of Use Each administrator, department manager, supervisor or employee whose duties include authorizing employees or volunteers in the use of the computer system, shall ensure that these regulations have been discussed with the employee or volunteer prior to authorizing the use.

Each individual who is authorized to access the County's e-mail account or to whom an e-mail account is issued, shall be required to sign the Acceptable Use Agreement. The signed agreement shall be retained in the individual's personnel records.

Computer System Use – Terms and Conditions

1. *Acceptable Use:* Use of the County's computer system shall be a) for the purposes of work, communication or research; b) consistent with the County's policies; and c) for legitimate business.
2. *Privilege.* The use of the County's computer system is a privilege, not a right.
3. *Unacceptable Use.* Each user is responsible for his or her actions on the computer system.
 - Using the computer system for commercial or private advertising;
 - Submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material;

- Using the computer system without authorization, or while access privileges are suspended or revoked;
 - Vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
4. *Network Etiquette.* Each user is expected to abide by generally accepted rules of etiquette, including the following:
- Be polite;
 - Users shall not forge, intercept or interfere with e-mail messages;
 - Use appropriate language. The use of obscene, lewd, profane, threatening or disrespectful language is prohibited;
 - Users shall not post personal contact information about themselves or others;
 - Users shall respect the computer system's resource limits;
 - Users shall not post chain letters, or download large files;
 - Users shall not use the computer system to disrupt others;
 - Users shall not read, modify, or delete data owned by others;
 - Users shall not use the e-mail accounts of others without their consent.
5. *Liability* The County makes no warranties for the computer system it provides. The County shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The County denies any responsibility for the accuracy or quality of information obtained through the computer system.
6. *Security* Computer system security is a high priority for the County. If any user identifies a security problem, the user shall notify the system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. *Charges.* The County assumes no liability for any unauthorized charges or fees as a result of using the computer system, including telephone or long-distance charges.

I. PURPOSE

It is the objective of the Board of Supervisors that all County employees receive benefits provided by the Virginia Workers' Compensation Act upon suffering a compensable work-related injury or illness (occupational disease).

II. SCOPE

This policy applies to all employees.

III. DEFINITIONS

A. Injury

An injury is defined as an injury by accident arising out of and in the course of employment.

B. Occupational Disease

An occupational disease is defined as a disease arising out of and in the course of employment, but, unless otherwise provided by the Virginia Workers' Compensation Act, not an ordinary disease of life to which the general public is exposed outside of employment.

C. Workers' Compensation

Workers' Compensation is defined as a type of leave from employment which results from an employee's incapacity to work, and which has been determined to have resulted from an injury or occupational disease such that the employee is entitled to benefits required by the Virginia Workers' Compensation Act.

IV. PROCEDURES

A. Responsibilities

1. Employees

Employee responsibilities are as follows:

- a. Report any job related injury or illness to the supervisor immediately and complete the required forms.
- b. If medical treatment is needed, select a physician from the County approved list of designated physicians. In the event of an emergency requiring immediate medical treatment employees should obtain treatment at the nearest medical facility.
- c. Notify the physician selected that all reports and bills are to be sent to the attention of the Human Resources Department.
- d. Cooperate with the insurance carrier's claims representative during the investigation of the claim.
- e. Cooperate with the insurance carrier's claims representative during the continued handling of the claim, including supplying additional information as necessary and keeping appointments for scheduled medical evaluations.

- f. Keep the department supervisor advised of disability status while out on injury leave.
- g. Cooperate with the Patient Advocate and return to work efforts.

2. Department Head or Designee

Department responsibilities are as follows:

- a. Ensure all employees within the department are aware of procedures, changes, and regulations regarding Workers' Compensation.
- b. Submit required and completed forms to the Human Resources Department.
- c. Forward all medical bills or other correspondence received from an employee, physician, or medical care facility to the Human Resources Department.
- d. Notify the Human Resources Department immediately when an employee is able to return to work either in a light duty or full duty capacity.
- e. Cooperate with the insurance carrier during investigation of claims and assist in back-to-work, light duty and vocational rehabilitation programs.

3. Human Resources Department

Human Resources Department responsibilities are as follows:

- a. Develop and manage the County Workers' Compensation Claims program.
- b. Maintain records of all Workers' Compensation claims sent to the claims service company.
- c. Monitor the progress of all Workers' Compensation claims handled by specific insurance companies and, where necessary, provides status reports to departments.
- d. Assist departments with Workers' Compensation claims processing and coordination of the employee's timely return to light, restrictive, or regular duty.
- e. Answer questions and respond to inquiries regarding Workers' Compensation claims.
- f. Human Resources does not approve or deny employee claims. The County's insurance carrier, VMGSIA, makes the determination.

B. County Designated Physicians

- 1. Section 65.2-603 of the Virginia Workers' Compensation Act requires that injured employees chose a physician from a panel selected by the employer.
- 2. Employer authorized physicians and medical treatment facilities must be used at all times by employees receiving treatment for job-related injury/illness.
- 3. Exception to employer authorized physicians and medical treatment facilities may be made in the case of an emergency requiring immediate medical treatment that occurs outside of normal working hours.
- 4. Failure to secure treatment from an authorized physician could result in a denial of benefits.
- 5. Any change in treating physician requires approval of the individual insurance carrier prior to treatment.

C. Second Opinions and Changes of Physicians

- 1. Employees receiving medical treatment for a compensable injury or illness may request a second medical opinion or a change in treating physician by contacting the individual insurance carrier and requesting prior approval.
- 2. If an employee obtains a second medical opinion or seeks treatment from a physician not on the County's Panel without prior approval of the insurance carrier, the employee will be responsible for the cost of such treatment.

D. Salary/Wage Benefits

1. In accordance with Section 65.2-509 of the Virginia Workers' Compensation Act, no compensation shall be allowed for the first seven (7) calendar days (including Saturday, Sunday, holidays and does not need to be consecutive) of incapacity resulting from a job related injury or illness.
2. During this seven (7) day period, the employee may use accrued annual, sick, or compensatory leave. If the employee has no leave balance, the employee will be placed in a leave without pay status for the seven (7) day period.
3. If the incapacity extends beyond the initial seven (7) day period, Workers' Compensation benefits (compensation) shall commence with the eighth (8th) day of disability. If such incapacity continues for a period of more than twenty-one (21) calendar days, not including the day of injury, compensation shall be allowed from the first day of such incapacity.
4. Workers' Compensation benefits are provided at the rate of sixty-six and two-thirds (66-2/3) of the average weekly, pre-tax wage of the employee, subject to weekly maximums as approved by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.
5. Employees may supplement the workers' compensation benefit by thirty-three and one-third (33-1/3) using accrued annual, sick or compensatory leave. This supplement will continue until the lesser of the following:
 - The injured employee's accrued annual, sick or compensatory leave is depleted.
 - Six Months (See Section H. Six-Month Limitation)

E. Return to Work/Modified Duty

1. An injured employee must return to work as soon as he/she is released for regular, restrictive, or light duty by the treating physician.
2. A Physical Capacities Form must be completed by the treating physician and submitted to the Human Resources Department prior to the employee returning to regular, restrictive or light duty.
3. If the return to work is restrictive or light duty, then the Human Resources Department has the option to submit to the attending physician a copy of a proposed light duty job description for approval.
4. The employee shall not be permitted to perform light duty unless approved by the attending physician.
5. Employees on light duty assignment may return to their regular duties upon receipt of a Physical Capabilities Form signed by the employee's attending physician attesting to the employee's physical and mental fitness to resume regular duties.

F. Light Duty Assignment

To minimize the County's losses and bring a productive employee who has been injured on-the-job back to work as soon as possible. The County will benefit directly by decreasing time-loss compensation to out of work employees. Thus, by paying an employee to do light duty, the County can immediately reduce the cost of that employee's time-loss by 50% or more.

1. Whenever an injured or ill employee is temporarily unable to return to his/her regular duty, but is considered medically fit to perform less strenuous tasks, efforts shall be made by the Human Resources Department in consultation with the employee's department head or designee to find a light duty assignment for that employee.
2. The modified/light duty position for the employee may offer modified duty at a reduced rate and modified duty at a reduced number of hours.

3. Such an assignment may not necessarily be in the employee's regular department.
4. Fitness for light duty assignment shall be coordinated with the treating physician and shall be such that accommodates identified restrictions.
5. During the period of light duty assignment, no employee shall be permitted to work more than their normal working hours.
6. A light duty assignment shall not be made in any case where there is no possibility of full recovery. Proper medical certification shall be utilized in arriving at this decision.

If an employee expresses a desire to return to light duty or if a supervisor has any information that the employee may be able to return to work and has not, and has not expressed a willingness to do so, he/she should contact the Department of Human Resources at once. The Human Resources Department, if felt warranted, will request an investigation be made by the claims representative and/or rehabilitation nurse.

If the investigation by the claims representative and/or rehabilitation nurse indicates that a return to light duty appears to be warranted, then the Department of Human Resources shall submit to the attending physician a copy of the proposed light duty job description for approval. The employee shall not be permitted to perform light duty unless approved by the attending physician. Light duty may be a reduction in hours spent performing those duties typically associated with the employee's regular classification, or, the employee may be assigned to a completely different job classification with no adjustment in salary or benefits during this time.

Light housekeeping, stock reorganization, inventory, operating the mail machine, filing, answering the telephone, typing, and other jobs of this sort can be accomplished by most light duty employees. If the employee is offered a job and the job is approved by the attending physician, that employee must accept light duty work.

If an employee has a decreased average weekly wage after returning to work in a modified, light duty or part-time job, the employee is entitled to workers compensation benefits. The amount payable is 66-2/3 percent of the difference between the pre-injury average weekly wage at the time of the accident/injury and the gross wage he/she earns after the accident/injury.

The employee who returns to light duty is monitored closely by a supervisor. The supervisor should take time to reinstruct the employee on safety procedures and good work practices.

Employees on light duty assignment can return to their regular duties upon receipt of a report signed by the employee's attending physician attesting to the employee's physical and mental fitness to resume regular duties. The report will be submitted to the Human Resources Department before the employee resumes regular duties.

G. Family and Medical Leave Act (FMLA)

1. Injuries or illnesses approved by workers' compensation generally meet the eligibility for FMLA.
2. An absence due to workers' compensation will be charged to the employee's annual 12-week entitlement to FMLA benefits, providing the employee meets the definition of eligibility as listed in the current version of Regulation 4835, Family Medical Leave.

H. Six Month Limitation

1. Employees who have not returned to work within six (6) months after a compensable work-related illness or injury shall be placed on leave without pay status or terminated.

2. Employees may apply for disability retirement if they meet the eligibility requirements established by the Virginia Retirement System.

I. Claim Denials

1. Leave Time

a. If a claim is denied, the employee shall be charged sick leave for all work time for which the employee was absent.

b. Compensatory leave, annual leave, or leave without pay shall be used if sick leave is exhausted.

c. If the employee has no accumulated leave, the Human Resources Department shall make arrangements with the employee to repay any compensation advanced.

2. Letter of Denial

a. If an employee receives a letter of denial from the insurance carrier, there are two courses of action that may be pursued:

a1. Forward the letter along with the proper forms to the employee's health insurance carrier.

a2. File a request for a hearing with the Virginia Workers' Compensation Commission. The Commission's address will be provided in the letter of denial.

J. Workers' Compensation Appeal

An employee has the right to appeal denial of workers' compensation coverage to the Virginia Workers' Compensation Commission.

K. Limitations and Exclusions

1. Not all injuries that occur during work hours are compensable under the definitions provided by the Virginia Workers' Compensation Commission.

2. An employee receiving workers' compensation wages is prohibited from engaging in activities that may impair his or her recovery, such as strenuous recreational or other physical activities, without approval of the authorized treating physician and notification to the third-party administrator.

3. Failure to report such activities may affect benefits from workers' compensation.

COUNTY OF CULPEPER VEHICLE POLICY**POLICY STATEMENT**

The County of Culpeper is dedicated to the safety of its citizens and employees and seeks to establish uniform procedures governing the use of all county-owned or leased vehicles, and establish requirements for employees using their own vehicles to conduct county business. Vehicles are defined as passenger vehicles, trucks, vans, as well as all tractors, construction, service or maintenance vehicles, golf carts and off-road vehicles. The goal of the County is to ensure that people who are driving in some capacity for the County of Culpeper have the legal ability to do so, and that the County of Culpeper is protected from any legal liability.

Each employee is a representative of the County to the citizens. As such, the county desires that the county vehicles be well maintained, be kept clean and in good working order, and that the driver shall comply with all traffic laws and ordinances. Employees and volunteers shall operate their vehicles with the utmost safety and shall drive defensively to prevent accidents, regardless of the incorrect actions of others.

The County of Culpeper attaches herein a set of procedures to be followed. While the policy is adopted by the Board of Supervisors, and may only be changed by a vote of said Supervisors, the procedures established are administrative, and may be amended as necessary in the estimation of the County Administrator, or his/her designee.

Additionally, this policy and the attendant procedures apply to all drivers of County owned, leased vehicles, and use of personal vehicle being used in the conduct of County business, whether governed by the County's Personnel Management Plan or not.

PURPOSE:

To provide general guidelines for the operation of vehicles being used in the conduct of County business. This procedure shall apply to all who operate or may operate motor vehicles owned or leased by the County of Culpeper, and/or who drive their personal vehicles when conducting County business.

Exceptions may occur, and these will be handled on a case-by-case basis by the Department Director, Constitutional Officer, or Agency Head directly through the County Administrator's office.

PROCEDURE:

1. Authorized and Unauthorized Use: The following examples are for general guidance only and should not be considered as an attempt to cover all circumstances or conditions of use:

- a. Authorized Use.

- i. County vehicles are authorized "For Official Use Only." Such vehicles are to be utilized to perform the functions and conduct the operations and programs of the Department or Agency which is using the vehicle. When such official use includes the transport of non-employees, such transport is approved. County vehicles may be utilized both within and outside of the County for official use. Anyone may be reimbursed for the use of their private vehicle when such vehicle is used in the conduct of County business; such reimbursement shall be made in compliance with the policy of the County.
- ii. County vehicles may be taken home overnight by personnel on call to provide emergency services or by designated employees for official business.
- iii. Employees assigned a "take home" vehicle are limited to a one-way commuting distance of a 20-mile radius from the County Administration Building located at 302 North Main Street.
- iv. Only properly licensed County employees shall operate county vehicles. Properly licensed volunteer workers may operate County vehicles while acting within the scope of their duties with the prior approval of the County Administrator or his/her designee. Such authorization shall be requested by the appropriate Department Director, Agency Head, or Constitutional Officer through the Human Resources Director with name approval on file prior to allowing a volunteer driver to operate a County vehicle.

- b. Unauthorized Use:

- i. County employees may not operate a County-owned or County-insured vehicle without having a valid, properly classified operator's or commercial driver's license as set out in paragraph 6.
- ii. County vehicles may not be utilized for personal purposes. Additionally, personnel authorized overnight use of a County vehicle may use such vehicle for transportation to meals or for personal purposes, including the transporting of non-employees, when traveling in a direct route to and from work.
- iii. Seat belt use is mandatory in all County vehicles. This applies to the driver and all passengers.
- iv. It is absolutely prohibited for County-owned or County-insured vehicles to be utilized if the operator is impaired by, or under the influence of, alcohol, intoxicants or drugs. The possession or consumption of alcohol, intoxicants or illegal drugs while using County vehicles for transportation is also prohibited.
- v. County vehicles are not to be driven in violation of the motor vehicle laws of Virginia. All citations are to be reported immediately to a supervisor.

2. Care and Maintenance of Vehicles.

- a. Operator Responsibilities. Operators of County-supplied vehicles shall be responsible for checking and maintaining correct engine oil level; proper level of coolant in the radiator; ensuring proper operation of headlights, taillights and turn signals; tire pressure (including spare) and tire condition; proper braking action; and general appearance of the vehicle (interior and exterior). If a noted deficiency is not within an operator's ability to correct, the vehicle will be taken in for service promptly. For details, contact the person administering the Motor Pool.
- b. Routine Maintenance Each leased vehicle shall be taken to the County's designated automotive center for leased vehicles for preventive maintenance such as oil changes, tire rotation, brake checks, etc. , on a schedule promulgated by the person administering the Motor Pool. County owned vehicles shall be taken to the facility of the owning department's choosing for preventive maintenance. It shall be the responsibility of the Department/Agency Head to ensure that all assigned vehicles are taken to the appropriate location for preventive maintenance.
- c. Vehicle Alterations. Employees shall not alter or add any equipment to a County vehicle (including AM/FM radios, bumper stickers, racks, tool boxes, etc.) without Department Head/Agency Head/Constitutional Officer approval. Damages resulting from unauthorized modifications may be assessed against the person(s) making such modification.

3. Emergency Repairs / Road Service

- a. Regular Work Day When a vehicle becomes inoperable in the local area, the driver, after seeing that the vehicle is removed from the roadway, is to contact the County's designated automotive repair and towing center for assistance. When a vehicle becomes inoperable out of the local area, the driver may arrange, as necessary, for assistance from County's designated roadside assistance company.
 - b. Non-Work Hours / Work Day In the event that a breakdown occurs within a 25-mile radius of Culpeper County and outside of normal working hours, the driver shall contact the County's designated Towing Company, or the nearest available towing service for assistance. If a breakdown occurs beyond the 25-mile radius, the driver is to contact the County's designated road side assistance company for assistance for towing to the County parking lot, or the service facility, whichever is more practical. The driver shall then determine the nature of the problem or cost for repairs. If the vehicle can be repaired for \$250 or less, and it is not feasible to delay repairs until the County can be contacted during normal working hours for guidance, the driver is authorized to have repairs accomplished. If repair estimates are in excess of \$250, the vehicle should be secured at the service facility until repairs can be coordinated with the County. Alternate transportation (i.e., rental cars, taxi) should be utilized until repairs are made or another County vehicle is provided.
4. Vehicle Security Security of a County vehicle is the operator's responsibility. Unattended County vehicles will be locked at all times. Operators may be responsible for loss of County property from an unsecured County vehicle. Park vehicles in safe, well lighted area when possible.
5. Accidents
 - a. Driving Practices Operators should practice defensive driving and anticipate and observe the actions of other drivers and control their own vehicles in such a manner as to avoid involvement in an accident. An operator of a County vehicle and all passengers therein shall properly use seat belts. Injury resulting from failure to wear seat belts may constitute gross negligence on the part of the individual and upon case review may jeopardize an employee's eligibility for relief normally provided under Worker's Compensation and other potential disability claims.
 - b. Accident Involving County Vehicle In the event an accident should occur involving a County-owned or County-insured vehicle, the Automobile Loss Procedures should be followed:
 - i. Notify the police/fire department of the accident.
 - ii. Get the names, phone numbers and addresses of all persons in the other vehicle(s), the driver's license data of other operators, the license number of

other vehicle(s) and the name of the insurance carrier(s) for the other vehicle(s) involved.

- iii. Complete the data on the incident report form located in the glove compartment of the vehicle and submit this form to the Department of Risk Management within 48 hours.
 - iv. DO NOT ADMIT RESPONSIBILITY and make no statement regarding the accident except to authorized insurance claims representatives of the County's carrier, your supervisor, Risk Management, Human Resources if personal injury is involved, and the police.
- c. Accident Involving Personal Vehicle In the event of an accident the employee's insurance will be sole and primary. The County will reimburse the employee's deductible up to \$250.00, if the employee was not at fault.
- d. Rendering Assistance Upon reaching the scene of an accident, the operator of a County vehicle is authorized to render such assistance as he/she can by caring for the injured first, calling or sending for the fire, rescue or police and taking measures to prevent other vehicles from becoming involved in the accident. When stopping at the scene of an accident, the driver should ensure that the vehicle is parked in a safe location so as to not interfere with traffic.
- e. Case Review The County Risk Manager shall conduct an investigation of the facts and circumstances of accidents involving County-owned vehicles which have resulted in a reported injury or property damage. The Risk Manager is authorized to gather evidence, relevant documents and solicit written statements from County employees. The Risk Manager shall review the accident as soon as practicable and render an opinion as to whether negligence or operating practices were a probable contributing factor to the accident. Corrective action may be required. Corrective action may be administrative in nature, such as additional driver training or may include disciplinary measures. Corrective action may be required after consultation with the Department Head and Human Resources.

6. Driver Qualifications and Training

- a. Licensing Department Heads/Agency Heads/Constitutional Officers are responsible for ensuring that their employees are properly licensed and trained to operate County vehicles. A valid Virginia driver's license is required to operate County vehicles. The basic license requirements for passenger vehicles apply, with the following additional requirement for heavy vehicles operated on the highway:

Those persons required to operate or maintain a vehicle weighing 26,001 pounds or more, gross vehicle weight rating (GVWR); or designed to carry 16 or more passengers, including the driver; or used to transport hazardous materials required to be placarded by federal law, must have a Virginia

Commercial Motor Driver's License (CDL). Such license is required for volunteer drivers, heavy vehicle mechanics and public school bus operators. Commercial license requirements do not apply to operators of emergency vehicles, such as fire fighters. However, operators of emergency vehicles must meet special State and federal skill requirements for driving certifications.

7. Driving Records.

- a. A valid Virginia Driver's license for the appropriate class of vehicle or equipment which will be operated is required. Employees and volunteers who will be required to operate a County vehicle and/or personal vehicle during the course of their employment shall complete a DMV Information Request Form, CRD-93. This will give the County authority to access an individual's driving record.
- b. A Virginia driver's license for current and prospective employees and volunteers may not have DMV restriction codes which limit the driving privilege to the extent that requirements of the jobs applied for or occupied cannot be met.
- c. The DMV record shall be maintained in confidential, individual personnel files and updated annually. DMV driving records for County employees may be obtained from the Division of Motor Vehicles at no expense to the County or individual concerned. The Human Resources officer shall notify the appropriate Department Director/Agency Head/Constitutional Officer and County Administrator when employee's or volunteer's record does not meet the minimum standards described in Sections 7(b) or 8.

8. Driving Standards. A DMV record check of current employees and volunteers will occur, at a minimum, on an annual basis. Drivers must meet minimum standards as determined by the County. In addition to the annual DMV records check, all employees and volunteers must immediately report any change in their license status with the Commonwealth of Virginia to their department head through their immediate supervisor.

They must also report, as soon as practicable, but not later than their next immediate workday, any charge and/or conviction of the following violations: driving under the influence or drugs or intoxicants; refusal to submit to a blood or breath test for determination of drug or alcohol content; reckless driving; leaving the scene of an accident; or vehicular manslaughter or homicide, eluding police, committing a drug offense, regardless of whether or not a motor vehicle is involved, committing a felony involving the use of a motor vehicle.

Employee or volunteer must inform their supervisor, by the next scheduled workday, of any license suspensions, or revocations, or charges being placed for any of the offenses listed in subparagraph (c) below, and the final disposition of the case. Failure to do so may be grounds for immediate dismissal. Drivers must meet minimum standards as determined by the County to use County vehicles. Culpeper County standards are as follows:

- a. No more than two (2) moving violations within the previous twenty-four (24) months (e.g. speeding, failure to yield, violating a traffic signal, failure to stop, improper turn, improper lane change, following too close, reckless driving, etc.)
- b. No more than three (3) moving violations within the previous thirty-six (36) months.
- c. No record of convictions associated with driving under the influence (DUI), reckless driving, eluding police, leaving the scene of an accident, or manslaughter (voluntary or involuntary) within the previous sixty (60) months.
- d. No record of current revocations or suspensions or previous revocations or suspensions associated with moving violations within the last sixty (60) months.

If an employee or volunteer fails to meet driving standards and is in a position where operating a vehicle is essential to the County, appropriate action will be taken depending on the severity and number of the convictions(s). Failure to comply with the standards shall be considered cause for dismissal, or other disciplinary measures as deemed appropriate in the Personnel Management Plan or by the County Administrator.

This procedure does not prohibit Department Directors/Agency Heads/Constitutional Officers from issuing reasonable standard operating procedures with more stringent requirements.

9. Driver Training Operators of County vehicles may be required to participate in a County approved Defensive Driving Program.

- a. Department Heads, Agency Heads, and Constitutional Officers whose employees operate County-provided vehicles shall support the program by ensuring that employees participate in Defensive Driving classes when scheduled and as otherwise required.

10. Miscellaneous

- a. Monitoring Vehicle Use Department Directors/Agency Heads/Constitutional Officers shall carefully monitor and take necessary action to preclude operations that are contrary to the policies and procedures herein.
- b. Citizen Complaints. The department receiving the complaint regarding the use or operation of County vehicles shall complete a Complaint Form (Attachment A) and forward a copy to the appropriate Department Head/Agency Head/ Constitutional Officer and to the County Administrator. Upon receipt, the appropriate Department/Agency Head or Constitutional Officer shall investigate the complaint and report to the County Administrator the results of the investigation and any corrective action taken regarding the complaint.

- c. Approved Departmental Rules Any departmental rules, regulations or procedures approved by the County Administrator governing the use or operation of County-owned or County-insured vehicles, which are not in conflict with this policy, shall be considered a part of this policy and shall be enforced as such.
- d. Action to be Taken Violations of this policy will be reviewed by the County Administrator's office, and may result in loss of County driving privilege or loss of department's vehicle allocations.
- e. Supervisory Responsibilities Department Directors, Agency Heads and Constitutional Officers shall ensure that before their employees are permitted to operate a County vehicle, drivers are properly trained in its use; in procedures to be followed should they be involved in an accident with a County vehicle; in basic maintenance responsibilities of the operator (checking tires, oil level, lights, etc.) and in preventive maintenance services. In addition, each authorized driver, whether full-time County employee or volunteer worker, will be fully briefed on County and departmental personnel policies pertaining to operator negligence and damage to County property.
- f. Reimbursement for Use of Personal Vehicles From time-to-time it may be necessary for employees to use personal vehicles for official County business. Personal vehicles should only be used with the approval of the employee's supervisor. The employee must maintain insurance on his/her own vehicle. Employees are encouraged to contact their individual insurance agent for advisement for their personal vehicle policy conditions. Refer to the County Travel policy for reimbursement details.
- g. Parking and moving violations are the responsibility of the driver of the County vehicle and the personal vehicle while in.

ATTACHMENT A

COMPLAINT RECEIVED

REGARDING USE/OPERATION OF CULPEPER COUNTY VEHICLE

I. TO BE COMPLETED BY PERSON RECEIVING THE CALL:

1. Name and phone number of citizen making complaint:

_____ Call was anonymous.

2. Date of Occurrence: _____

3. Vehicle Number: _____

4. License Plate Number: _____

5. Vehicle Description: _____

5. Department/Division Vehicle Assigned to: _____

6. Description of Driver (if given): _____

7. Location of Occurrence: _____

8. Nature of Occurrence: _____

II. TO BE FILLED OUT BY DEPARTMENT HEAD AND RETURNED TO COUNTY ADMINISTRATOR:

1. Name of Employee: _____

2. Position: _____

3. Summary of Findings:

4. Action Taken (if any) by Department Director: _____

1. Signature of Department Director: _____

Date: _____

It is the goal of Culpeper County to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of the public by providing the highest quality service.

While the County is concerned about the health and welfare of employees who may be experiencing problems with drugs or alcohol, we are not relieved of our responsibility to maintain a drug-free workplace. The use of alcohol, illegal drugs or the misuse of prescription drugs is not acceptable and will not be tolerated in the County workplace. As a condition of employment, each employee shall abide by the terms of this County policy and regulations respecting a drug-free workplace, and shall adhere to the procedures delineated in the Administrative Procedures document.

1. Regulations

No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic, hallucinogenic, amphetamine, barbiturate, marijuana or any other controlled substance.

“Workplace” is defined to mean any site for the performance of work by an employee. This includes any County or premises; any County-owned vehicle; any building or premises used by the County for County-business; any non-County property during any County-sponsored or County-approved event, activity or function; and all County owned property such as offices, desks, lockers, safes, file cabinets, and tool boxes. Any County workplace as defined herein is subject to drug detection inspection at the discretion of the County. The County reserves the right to search all County workplaces. Employees may not assume an expectation of privacy with regard to their workplaces, offices, desks, lockers, safes, file cabinets, and/or toolboxes.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction for violation of any criminal drug law no later than 5 days after such conviction.

The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited, as is reporting to work under the influence of alcohol or a controlled substance.

Violations of this policy will result in appropriate disciplinary action up to and including termination, as indicated in Section VIII of the Personnel Management Plan.

2. Drug and Alcohol Testing.

The County will contract with a laboratory which employs an individual eligible to be a Medical Review Officer under federal regulations, to perform the collection and testing services. Tests may be required in the following cases:

1. Applicants who have been offered employment, contingent upon the receipt of satisfactory references, background checks and drug screens.
2. Employees in safety sensitive positions, as defined in the Administrative Procedures, who have been selected for a random test.
3. Any employee who exhibits behavior constituting a reasonable suspicion of impairment.
4. Employees who drive County vehicles may be required to be tested following a

reportable vehicle accident.

4. Any employee who has been authorized to return to duty following a positive drug screen for which the employee was not terminated, and following completion of an authorized treatment program. This testing may be done on an unannounced basis a minimum of six times during a the twelve month period immediately following the return to work.
5. Any employee in and post-offer applicants for positions which require a commercial drivers license as a condition of employment. These tests will occur on a pre-employment, post offer basis; randomly after hiring; following a reportable vehicle accident; and on a return to work basis after testing positive, if not terminated.

In all cases, a refusal to submit immediately to the drug test will result in disciplinary action, up to and including termination.

3. Consequences of a Confirmed Positive Test Result

If the test result is positive, the employee will be subject to disciplinary action, up to and including termination. In the event the employee is not terminated, it shall be necessary for the employee to be evaluated by a substance abuse professional, and possibly complete a treatment program at his or her own expense prior to being allowed to resume duties. In any case, a return to work agreement must be signed and a return to work drug test must be administered prior to the individual returning to work. Thereafter, the employee will be subjected to a minimum of six unannounced tests in the next twelve months.

All information pertaining to employees and applicants with respect to drug testing is confidential and maintained in a secured file. It will be disseminated only on a confirmed "need to know" basis.

4. Guidelines for Reasonable Suspicion Testing

An employee may be required to submit to drug or alcohol tests when there is reasonable suspicion of impairment. A trained supervisor will make this decision according to the Administrative Procedures. Generally, the following examples, alone or in combination, may comprise reasonable suspicion:

1. Unexplained inability to perform normal job functions.
2. Slurred speech.
3. Smell of alcohol or drugs on the breath.
4. Any unusual lack of physical coordination or loss of equilibrium.
5. Unexplained hyperactivity or depression and withdrawal.
6. Unexplained inability to think, reason or perform at the employee's normal level.
7. Unusual or bizarre behavior.

If the employee refuses to be tested, the supervisor shall document the refusal and the employee shall be immediately suspended from duty and transported home. Further, such refusal shall be the basis for discipline, up to and including dismissal.

5. Delegation of Authority.

Authority is hereby delegated to the County Administrator to approve and issue any administrative policies and procedures necessary to properly implement this policy. All such policies and procedures must be consistent with this policy and any applicable laws.

6. Modifications.

The County reserves the right to modify this policy as needed, including but not limited to expanding testing and search programs.